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at 10 a.m.
New York

SUMMARY RECORD OF THE 55th MEETING

Chairman:	Mr. KRENKEL	(Austria)
later:	Mr. DEKANY (Vice-Chairman)	(Hungary)
later:	Mr. KRENKEL (Chairman)	(Austria)

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* Items considered together.

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The meeting was called to order at 10.15 a.m.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (*continued*)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (*continued*) (A/47/24 and Add.1, A/47/353, 434, 445, 479, 501-504, 552, 626, 630, 668, 701 and A/47/702; A/C.3/47/L.49)

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AGENDA ITEM 149: THE SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA (*continued*) (A/47/247; A/C.3/47/9)

1. Mr. WILLIS (Australia) said that the international community must make a concerted effort to bridge the gap between professed commitment to human rights and practical implementation of those rights by developing mechanisms to ensure the effective enjoyment by all people of fundamental human rights and freedoms. That was particularly important in view of the threat to the credibility of the human rights system posed by the flagrant abuses taking place in conflicts such as those in the former Yugoslavia and in Somalia. The scale of those abuses reflected a human tragedy that the international community must respond to.

2. The holding of special sessions of the Commission on Human Rights was a means of focusing international attention in a timely way on human rights emergencies in order to deal with serious human rights violations. The Commission should cooperate closely with other United Nations bodies, including the Third Committee, in that regard. Since human rights were the concern of all mankind, international action aimed at improving them could not be rejected as interference in the internal affairs of States. An approach aimed at finding common ground and developing understanding and dialogue was far more likely to achieve lasting results than one based on confrontation and took no account of local circumstances. The 1993 World Conference on Human Rights provided a timely opportunity for all countries to engage in constructive dialogue, reaffirm their commitment to universal human rights principles and work together to establish agreed courses of action for the implementation of those principles. The Conference should endorse greater efforts towards the universal ratification of basic human rights instruments and broader monitoring of their implementation, and should support effective human rights education and training at all levels to strengthen infrastructures for the promotion and protection of human rights in all countries.

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(Mr. Willis, Australia)

3. The active promotion of respect for the human rights of all individuals, insistence on the rule of law, and the establishment of effective democratic institutions were essential safeguards to prevent violations of human rights. The United Nations could offer assistance in the holding of free and fair elections and provide advice on drawing up constitutions and establishing national institutions for the protection of human rights. His delegation welcomed the activities carried out by the United Nations in those areas and supported their further expansion.

4. Australia commended the efforts being made to strengthen exchanges between the United Nations and regional human rights organizations. In that regard, Australia welcomed the holding in Jakarta in 1993 of a regional workshop on human rights institution-building and had pledged its assistance. The dissemination of information about human rights was a key element of any strategy to promote and protect human rights. Australia attached particular importance to that aspect of United Nations activities and commended its draft resolution on that subject to the Third Committee. The radical changes occurring in the world were placing increasing demands on the United Nations human rights system. The Centre for Human Rights must be strengthened in order to fulfil its ever-increasing tasks.

5. In many countries of the world, thousands of people continued to be the victims of massive human rights violations. In Myanmar, an unrepresentative military regime continued to repress the desire of the people for democratic government and full enjoyment of fundamental human rights and freedoms. That appalling situation had resulted in massive flows of refugees to neighbouring countries. The return of those people to their homeland in safety and dignity was being hindered by the refusal of the Myanmar authorities to allow the relevant United Nations agencies to monitor repatriation. Australia once again called on the Myanmar authorities to release imprisoned political leaders and work with them to democratize and rebuild the country.

6. The human rights situation in Iraq continued to be of grave concern. The Government systematically repressed its own citizens and persecuted the Kurd and Shiite communities. The proposed system of human rights monitors would provide a reliable source of information about the human rights situation in Iraq and the Government of that country should extend its full cooperation to the Special Rapporteur. Australia also called on the Government of Iraq to release immediately all hostages from Kuwait and other States who had been arbitrarily detained in Iraq since the Gulf war.

7. Reports of arbitrary arrests and executions continued to mark the human rights situation in Iran. Australia noted with concern that Iran had discontinued its cooperation with the Special Representative of the Commission on Human Rights and that the persecution of the Baha'i community continued. Australia called upon the Iranian authorities to ensure full respect for the human rights of its citizens and to resume cooperation with the Special Representative.

(Mr. Willis, Australia)

8. His country was seriously concerned about the deteriorating human rights situation in the Sudan. There were credible reports of increasing violations of human rights by the Government and the armed forces, particularly with regard to Sudanese minority groups displaced by the civil war. Australia was also very concerned about the safety of Sudanese and international aid workers in that country and the actions by Sudanese authorities which impeded the delivery of humanitarian assistance. The Government should provide access for diplomats and officials of international organizations to areas where human rights violations had been reported and should ensure that its international human rights obligations were fully met. The situation warranted urgent attention by the Commission on Human Rights, including consideration of the appointment of a special rapporteur.

9. The failure of Somalia's warring factions to cooperate with United Nations humanitarian relief efforts was prolonging the suffering of the Somali people. Australia appealed to the factions to help end the human tragedy and cooperate with the United Nations.

10. The abominable policy of ethnic cleansing encompassed a horrifying catalogue of human rights abuses in the former Yugoslavia. The second report by the Special Rapporteur (A/47/635) made it abundantly clear that the aims of ethnic cleansing were being achieved, especially in Serbian-controlled areas of Bosnia and Herzegovina. Australia condemned such policies and called for those responsible for violations of humanitarian law to be brought to account. His country supported the efforts of the European Community and United Nations negotiators to prevent a widening of that conflict and restore peace in the region, and welcomed the establishment, pursuant to Security Council resolution 780 (1992), of the Commission of Experts to deal with war crimes. He expressed satisfaction at the strong resolution adopted at the recent second special session of the Commission on Human Rights, which condemned the widespread violations of humanitarian law and the abuse of basic human rights, in particular the odious practice of ethnic cleansing. The conflict must not be allowed to spread to other areas of tension, especially Kosovo. All parties should engage in dialogue under the auspices of the International Conference on the former Yugoslavia and find peaceful solutions through negotiations.

11. Mr. SZELEI (Hungary) said that the issue of human rights could not be considered an internal affair of any State. Respect for human rights, including the rights of minorities, was essential in order to ensure stability and security. Despite the end of the cold war, totalitarian and nationalist regimes were desperately resisting the tide of democracy. The United Nations should continue to play a central role in strengthening the rule of law by promoting respect for human rights and fundamental freedoms for all. More than a year earlier in the Committee, his delegation had drawn attention to grave and systematic violations being committed in Yugoslavia and had called for institutional arrangements by the United Nations to monitor the human rights situation there. In light of the tragic developments since then in the former Yugoslavia, that appeal had proved to be an understatement. The

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(Mr. Szelei, Hungary)

Special Rapporteur of the Commission on Human Rights had reported the continuation of a nightmare of grave violations of human rights. Hungary wholeheartedly welcomed the establishment of the Commission of Experts to investigate violations of humanitarian law in the former Yugoslavia.

12. There was an alarming situation in Vojvodina, where basic human rights as well as the minority rights of almost half a million Hungarians were being systematically violated by the Serbian authorities. In the Serbian-occupied areas of Croatia, the situation was becoming worse. Tens of thousands of Hungarians and other minorities from Vojvodina and Slavonia had fled their ancestral lands. Those who stayed there lived in an atmosphere of constant danger, harassment and intimidation. The Serbian authorities had recently resumed the forced mobilization of Hungarians and were planning to resettle Serbian refugees in Vojvodina, thereby extending the policy of ethnic cleansing to that area. Hungary reiterated its call for international protection of the human rights of the Hungarian and other minorities in Vojvodina and expected the United Nations Protection Force to take vigorous steps to safeguard those rights. The future of those minorities could be ensured through territorial and cultural autonomy under international guarantees. His delegation also called for the long-term deployment of monitoring groups of observers in Vojvodina.

13. Hungary continued to be profoundly concerned about the systematic and massive violations of human rights in Iraq, of which there was irrefutable evidence. Repression of the population, including the Kurdish minority living outside the United Nations protected areas, was cause for grave concern. He urged the Iraqi Government to observe its international human rights obligations and to account for the civilians and prisoners of war who had been forcibly taken from Kuwait to Iraq.

14. While acknowledging improvement in the overall human rights situation in Romania, Hungary remained concerned about the slowing pace of democratization, deliberate discrimination against minorities and lack of an independent judiciary. It was hoped that the Government of Romania would pay appropriate attention to the observations of the Special Rapporteur of the Commission on Human Rights in his final report. The legitimate demands of the Hungarian minority, such as the lifting of restrictions on the use of their language in education and in judicial procedures, should be met.

15. In Myanmar, the democratically and freely expressed will of the people continued to be rejected by the ruling military regime. The authorities in that country should take prompt action to end human rights violations, the forced resettlement programmes and the persecution of minorities. All political prisoners should be released and the rights of minorities respected.

16. In the case of Cuba, the Government had refused once again to cooperate with the Special Rapporteur of the Commission on Human Rights. Hungary regretted that the Cuban authorities continued to defy the legitimate concern of the international community, particularly since Cuba was a member of the

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(Mr. Szelei, Hungary)

Commission. He urged them to end human rights violations, release all those imprisoned for exercising their basic human rights and cooperate with the Special Rapporteur.

17. Hungary attached particular importance to the adoption of the draft declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities (A/47/501, annex). Protection of minorities, including innovative preventive protection measures to safeguard their rights, would contribute to international peace and security. The codification of standards for the protection of minorities was an immediate task for the international community. A wide range of measures must be taken in that regard, including establishment of a system of international guarantees with the active participation of the United Nations, the sending of fact-finding and monitoring missions, appointment of a special rapporteur and the establishment of an international tribunal on the protection of minority rights.

18. The ever-widening use of United Nations electoral assistance to enhance the effectiveness of the principle of free and periodic elections was a most promising avenue for promoting human rights. Hungary looked forward to the successful implementation of the decision to observe the referendum in Eritrea.

19. Mr. HYON HAK BONG (Democratic People's Republic of Korea) said that the forthcoming World Conference on Human Rights would be an important occasion for solving urgent human rights problems, including prevention of foreign military intervention, the elimination of racial discrimination, ensuring non-selectivity and promoting the right to self-determination and development. Priority should be given to respect for the right of all countries and peoples freely to choose their political and social system and to pursue their economic, social and cultural development.

20. In his delegation's view, all categories of human rights were indivisible. There was a tendency to divorce civil and political rights from human rights and to give them priority. Yet economic, social and cultural rights constituted the material basis for human rights and must not be excluded. Accordingly, many countries stressed the importance of the right to development. There had been no discussion of the issue of responsibility for the unequal international economic relations, the external debt burden and the imposition of political conditions, all of which aggravated the human rights situation in the world. The question of human rights should not be used for political purposes. The imposition of social systems through military intervention or political pressure under the guise of "human rights" must be avoided. Countries whose human rights situations were characterized by racial discrimination, unemployment, homelessness and violence should refrain from quarrelling with other countries on the basis of self-established "standards".

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(Mr. Hyon Hak Bong, Democratic People's Republic of Korea)

21. The protection and promotion of human rights were the responsibility of the country concerned and could not be imposed by other countries. Only when such issues were dealt with impartially on the basis of respect for the right to self-determination, freedom of choice, non-selectivity, objectivity and cooperation among States could an atmosphere of reconciliation be created in the field of human rights, which would also contribute to equality in international relations.

22. The people of his country participated freely in the formulation and implementation of State policies and enjoyed rights and freedoms in the fields of employment, leisure time, free medical care, free education and the provision of food, clothing and shelter, in a man-centred society which they themselves had chosen and developed.

23. Any past record of human rights violations must be addressed and settled to prevent their recurrence. His delegation drew attention to the abduction during the Second World War of over 200,000 Korean women to serve as "comfort women" for the Japanese armed forces. Such a criminal practice had been recognized as a form of slavery by the Subcommission on Prevention of Discrimination and Protection of Minorities. The Government of Japan had so far failed to take tangible measures to resolve the issue. It should offer a sincere apology, conduct a comprehensive investigation, publish the results and publicly pledge that there would be no repetition of such a tragedy.

24. Mrs. HADDAD (Lebanon) said that her delegation welcomed the statement by the Security Council that the non-military sources of instability were threats to peace and security, and strongly supported the Secretary-General's proposal that ways should be explored of empowering the Secretary-General and expert human rights bodies to bring massive violations of human rights to the attention of the Security Council, together with recommendations for action. It was confident that the World Conference on Human Rights would enhance United Nations human rights endeavours and further promote human rights education and awareness. The Conference should be guaranteed the full resources necessary to ensure its success.

25. Her delegation paid tribute to the humanitarian role of the United Nations in providing relief assistance to Bosnia and Herzegovina, reiterating its condemnation of the aggression against that country and the grave human rights violations that had ensued. It equally commended United Nations efforts to bring food supplies to the people of Somalia. Lebanon associated itself with the plight of the Palestinian people, who were subjected to constant human rights violations and abuses as a result of the illegal occupation of their land by Israel.

26. For 14 years, the people of southern Lebanon had been suffering from abuses and violations resulting from Israeli air raids, artillery bombing, raids on villages and attacks against the local population, attempts on the lives of political and religious figures, and mass arrests of Lebanese and

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(Mrs. Haddad, Lebanon)

Palestinians and their imprisonment in detention camps. Humanitarian organizations were denied access to the camps, where, even after prisoner exchanges, conditions for the remaining prisoners had not improved, as was reflected in reports of torture and the holding of inmates as hostages for exchange purposes.

27. The human rights situation in southern Lebanon under the control of Israel continued to deteriorate. Recent attacks on entire villages had resulted in human casualties and a large-scale exodus of the population. Requests for a reply from Israel by the Economic and Social Council and the Secretary-General had so far elicited no response. The civilian population continued to be subjected to intolerable levels of deprivation and suffering, with random shelling, curfews, kidnapping, arbitrary detention and torture, sieges of villages, seizure of land and plans to control and divert water resources to Israel.

28. The question of southern Lebanon demanded an immediate solution. Israel continued its aggression and defiance of international resolutions and principles of human rights. Lebanon was especially anxious to see the full and effective implementation of Security Council resolution 425 (1978).

29. Mr. Dekany (Hungary), Vice-Chairman, took the Chair.

30. Mrs. BARGHOUTI (Observer for Palestine) expressed regret that, despite some progress in monitoring human rights violations, the United Nations continued to deal with human rights violators in a selective manner, as was apparent from its treatment of Israel. For example, Israel, unlike many other countries, had not been singled out for criticism in the 1992 report of the Commission on Human Rights.

31. The serious human rights situation in the occupied Palestinian territory, including Jerusalem, which stemmed from the occupation itself, was steadily deteriorating. Israel continued to deny the inalienable rights of the Palestinian people, to recognize the *de jure* applicability of the fourth Geneva Convention of 1949 to all the territories occupied by Israel since 1967 and to implement the relevant United Nations decisions and resolutions, including Security Council resolution 681 (1990). It also failed to comply with other international instruments to which it was a party, including the International Covenants, the Convention against Torture and the Convention on the Rights of the Child.

32. In addition to the tens of thousands of Palestinians killed, injured, imprisoned without charge or trial and detained and the many other human rights violations to which they had been subjected since 1987, a serious development had been the deterioration of the conditions of Palestinian prisoners and detainees. International human rights organizations, including Amnesty International, Middle East Watch and the International Committee of the Red Cross (ICRC), had documented various forms of torture of Palestinian political prisoners during interrogation in Israeli detention centres. Recent

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ICRC reports had, inter alia, called on the Israeli Government to put an immediate end to such practices. Her delegation commended the role of ICRC in the field of human rights world wide.

33. Israeli undercover death-squad operations also threatened the lives of the Palestinian people, and the pattern of summary execution had not changed since the new Government had come to power. Israel's policy of large-scale military operations against so-called "wanted" Palestinians had continued.

34. The Israeli military authorities' stated intention of improving the conditions of the Palestinian people must be translated into policy and practice. The Palestinians' freedom to exercise their inalienable right to self-determination and independence could be achieved, and their suffering brought to an end, only through the withdrawal of Israel from the occupied Palestinian territory, including Jerusalem, and through a comprehensive settlement of the question of Palestine.

35. Her delegation had been actively involved in the preparation of the World Conference on Human Rights and would do its utmost to help guarantee its success. It was confident that the Conference would effectively deal with the issues and strive to ensure the right of people to exercise their fundamental rights, including the right to self-determination, and hoped that it would give priority to areas in which gross violations of human rights existed as a result of racism, apartheid, foreign occupation and domination, and colonialism.

36. Mr. SNEGUR (Republic of Moldova) said that his country's new laws and its Constitution, which gave priority to protecting civil and political rights and freedoms, had been drafted in conformity with international standards and human rights instruments. The Moldovan people, which had been denied basic human rights and freedoms for 50 years, had a long-standing record of tolerance and had always lived in harmony with several ethnic groups. His country welcomed the current debate and would cooperate closely with other Member States in upholding the principles of the Charter, especially respect for national sovereignty and territorial integrity.

37. His Government's efforts to establish the rule of law and democratic institutions in the newly independent Republic had been thwarted in the eastern districts of the country, which had been subjected to de facto occupation by a foreign army. The legal Government had been forced out of office and, with the backing of that army, illegitimate local political structures were implementing a systematic policy to deny the Moldovan inhabitants their basic human rights. A state of "unofficial terrorism" prevailed, under which lists of so-called "enemies of the people" had been drawn up, scores of persons had disappeared, later to be found dead, bearing marks of torture, and an aggressive campaign of discrimination in favour of the Russian-speaking inhabitants had been waged. His Government's conclusions on the human rights situation in those districts were borne out by the findings of various international missions, including those dispatched by the Conference on Security and Cooperation in Europe (CSCE).

(Mr. Snegur, Republic of Moldova)

38. No distinction could be made between minorities' rights and human rights. His countrymen's long-forbidden right to use their own language and culture was just as important as the right to freedom of speech or movement. The rights of the Russian-speaking population of the eastern districts of the Republic had never been violated. The law on the official Romanian language was one of the most moderate of its kind, and the new law on citizenship entitled all inhabitants to become fully-fledged citizens.

39. Despite the recent agreement between the Russian Federation and the Republic of Moldova and the end to the war, the human rights situation continued to deteriorate in the eastern parts of the country. The army of occupation was still backing violations of law and of the fourth Geneva Convention of 1949. The situation of the Romanian-speaking population was critical. The use of the Latin alphabet and new textbooks was prohibited. Recalcitrant teachers and students had been removed and schools shut down. The media had been subjected to harsh censorship, and all opposition was being silenced. Representatives of ICRC were barred access to political prisoners.

40. He reiterated previous calls for an appropriate United Nations mission to be sent to the region in order to monitor and scrutinize the human rights situation there. Moldova's independence and transition to democracy depended largely on the effectiveness of United Nations mechanisms for guaranteeing the integrity and security of all nations and the protection for their human rights.

41. Mr. BURCUOGLU (Turkey) said that he would limit his remarks to the situation of human rights in Bosnia and Herzegovina, which was unique by virtue of its nature and gravity. The policy of ethnic cleansing was a flagrant violation of the sovereignty and territorial integrity of Bosnia and Herzegovina and was in breach of international law and the Charter of the United Nations. The three reports prepared by the Special Rapporteur of the Commission on Human Rights had been of great value in shedding light on the true nature of the issues. There was no question as to who was the aggressor in Bosnia and Herzegovina: the sinister role played by the Belgrade regime, assisted by the Yugoslav army and Serbian and Montenegran irregulars, was well documented.

42. From the start of the Serbian aggression, Turkey had proposed a plan involving a phased approach to settling the conflict, which had included measures designed to prevent the Serbian aggressors from massacring civilian populations and violating human rights and international humanitarian law. Had it been effectively applied, the plan would have clearly demonstrated the international community's commitment to the oppressed victims and might have dissuaded the aggressor, thereby sparing the Bosnians the horrors of the past months.

43. Yet, the plan had not met with a positive response from the Security Council, which apparently had had to balance the various sensibilities involved. The Council had in fact taken only half measures, lacking in

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conviction and, what was worse, States had systematically ignored or contravened them. Meanwhile, the Muslim population was being threatened with extermination and, because of the Security Council embargo, the Bosnians were unable to exercise their right to self-defence. It was paradoxical that the efforts of the United Nations to halt the conflict were stalemated at the very moment when it was examining ways of strengthening preventive diplomacy, maintaining peace and dealing with massive violations of human rights. The inadequate response of the United Nations had probably encouraged the Serbians to pursue their policy of ethnic cleansing, which his Government, like many others, considered an act of genocide under the Convention on the Prevention and Punishment of the Crime of Genocide.

44. In response to the continuing tragedy in the former Yugoslavia, a Conference of Foreign Ministers of the Balkan and Regional Countries had been held in Istanbul on 25 November 1992, at the invitation of his Government. In their Joint Declaration (A/47/742-S/24869, annex), the participants had requested the Foreign Ministers of countries participating in the Conference on Security and Cooperation in Europe (CSCE) to consider convening a meeting in Sarajevo as quickly as possible; called on the relevant international organizations to establish safe areas and corridors for the transport of humanitarian aid in Bosnia and Herzegovina; urged the Security Council to consider deploying forces in Kosovo, Vojvodina, Sandzak and the Republic of Macedonia, and invited the international community to review the necessity of recognizing that Republic.

45. The second special session of the Commission on Human Rights, requested by Turkey, had been held recently in Geneva. The resolution adopted at that session had identified the Bosnians as victims; condemned the Republic of Serbia and the Yugoslav army for their acts of aggression; condemned the bombing of cities and civilian zones; and called on States to consider whether the crimes committed in Bosnia and Herzegovina constituted genocide.

46. The recent special session of the Islamic Conference of Foreign Ministers had adopted a resolution which had reaffirmed the Conference's total support for Bosnia and Herzegovina; invoked Article 51 of the Charter of the United Nations relating to the right to self-defence and requested the Security Council to apply Article 42 of the Charter.

47. His delegation hoped that the combined weight of those meetings would help persuade the Security Council to put a halt to the Serbian aggression. It was time to make clear to the Belgrade regime that the international community had run out of patience. The Security Council had therefore to take firm action which meant putting an end to Serbian aggression; authorizing the use of force; lifting the arms embargo on Bosnia and Herzegovina; closing all concentration camps and detention centres and freeing all prisoners; investigating and bringing to justice the authors of crimes against humanity; protecting the population by establishing security zones; and ensuring the delivery of humanitarian aid.

(Mr. Burcuoglu, Turkey)

48. The Security Council was currently considering the question of the use of force to deliver humanitarian aid to Somalia. That should serve as an inspiration for action to be taken in Bosnia and Herzegovina.

49. Mr. MOTSYK (Ukraine) said that among the first measures adopted by his Government had been legislation to protect human rights and the freedom of belief and religion. It had outlawed political repression, expressed sympathy towards the victims and proclaimed its intention to restore justice and respect for human rights. All citizens were considered equal before the law, whatever their attitude towards religion, and religious holidays had been officially recognized.

50. In response to the new legislation, the number of religious organizations had doubled. National minorities enjoyed the same rights and freedoms as the majority to practise their religions. Unfortunately, the spiritual revival had been accompanied by interfaith conflicts resulting from the gross interference of the former totalitarian authorities in religious matters. Disputes had arisen, for instance, over who had the right to use a particular church; many had been resolved by the construction of new buildings. Because of the economic crisis, such problems had lingered, but on the whole, interfaith conflicts had been depoliticized and, ultimately, reduced.

51. Mr. Krenkel (Austria), Chairman, resumed the Chair.

52. Mrs. MBELLA NGOMBA (Cameroon) said that her Government endorsed United Nations efforts to strengthen regional arrangements for the promotion and protection of human rights. Noteworthy among those efforts was the forthcoming subregional seminar on the challenges to human rights in Central Africa, to be held in Cameroon and organized jointly by the Centre for Human Rights and the Government of Cameroon. Her Government had also demonstrated its commitment to regional approaches by becoming a party to a number of regional human rights instruments.

53. She wished to draw attention to the cooperation between United Nations agencies and the Organization of African Unity (OAU) on follow-up and implementation of human rights activities. Noteworthy in that connection was the recent convening, under OAU auspices, with the assistance of the Senegalese Government and the United Nations Children's Fund (UNICEF), of the International Conference on Assistance to African Children, as a follow-up to the Declaration and Plan of Action adopted at the World Summit for Children in 1990.

54. The Conference might well herald renewed hope of achieving a comprehensive strategy, for use by donor and recipient countries alike, for alleviating socio-economic problems related to human development in Africa. At the Conference, the African countries had agreed to redeploy their resources and to focus on implementing programmes in the areas of health, basic education, sanitation, and social integration of women and children in especially difficult circumstances. The Conference marked the first time that

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non-governmental organizations, which provided some 30 per cent of the aid to Africa, had been invited to participate in donor-government discussions. In that framework, the non-governmental organizations had proposed closer cooperation with OAU with a view to implementing national programmes of action and making them part of bilateral and multilateral negotiation processes.

55. Conference participants had put forward a number of other significant ideas. The decision by some donors to increase multilateral aid to programmes for African children was encouraging, and might favourably influence the proposal to increase by 20 per cent official development assistance to such programmes. Her delegation also welcomed the idea of debt-swaps for children's programmes, and the agreement between the African Development Bank and UNICEF to increase resources for national programmes of action. All of those actions marked the start of a new and comprehensive human development strategy for the African region which should strengthen the link between human rights and development.

56. The Conference had laid the groundwork for compliance with international humanitarian law. The participants had pledged to ensure safe passage for children and women out of conflict zones and to exert the greatest possible pressure on the parties to a conflict to guarantee delivery of relief aid, in particular to women and children. Lastly, her Government hoped that forthcoming world conferences would go even further in mobilizing communities to participate fully in human development, the ultimate goal of all human rights endeavours.

Draft resolution A/C.3/47/L.18/Rev.1 on the World Conference on Human Rights

57. Ms. OUARZAZI (Morocco) said that her delegation took great pride in introducing the draft resolution on behalf of the more than 120 sponsors. Reaching agreement on the text had required several months of negotiations beset with what had seemed at times to be insurmountable obstacles. Having proposed in 1989 the convening of a world conference on human rights, Morocco greatly appreciated the preparatory work carried out, including the work of the Centre for Human Rights.

58. The provisional agenda for the Conference, annexed to the draft resolution, had been amended in a spirit of compromise to include an item on recommendations for strengthening international cooperation in the field of human rights, a matter of vital significance to certain delegations. While not perfect, the provisional agenda offered specific means of examining the advances made in the field of human rights, the obstacles encountered and ways to overcome them. The agenda removed women from the general category of vulnerable groups and placed them on an equal footing with men in relation to the realization of human rights. In response to the concerns of many States, the agenda also devoted an item to the relationship between development, democracy and human rights in the context of the indivisibility of economic, social, cultural, civil and political rights. The sponsors hoped that the draft resolution would be adopted by consensus.

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Draft resolution A/C.3/47/L.57 on the situation of human rights and fundamental freedoms in El Salvador

59. Mr. MARTINI HERRERA (Guatemala), introducing the draft resolution on behalf of the original sponsors and the Dominican Republic, said that the draft resolution was the result of careful negotiations and was designed to bring about an early solution to the conflict. It reflected the progress made under the Peace Agreements between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional. After reviewing the contents of the draft, he said the sponsors hoped that it would be adopted by consensus.

Draft resolution A/C.3/47/L.65 on human rights and extreme poverty

60. Mr. LAZARO (Peru) introduced the draft resolution on behalf of the original sponsors and Ecuador, Guinea-Bissau, Mali and Senegal. The draft resolution conformed closely with the wording of Commission on Human Rights resolution 1992/11. The sponsors hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/47/L.66 on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

61. Mr. THEUERMANN (Austria), introducing the draft resolution on behalf of the original sponsors and Malawi and the Republic of Korea, said that the Declaration annexed to the draft resolution represented the results of four decades of work to develop international instruments containing principles and guidelines for the promotion and protection of minorities. It enumerated several rights of minorities, including the right to enjoy their own culture, to use their own language, to participate effectively in all spheres of public life and to establish and maintain their own associations. States were required to adopt the appropriate legislation to protect the existence and identity of minorities. Given the fact that the Declaration had been approved by the Commission on Human Rights and by the Economic and Social Council, he expressed the hope that the draft resolution would be adopted without a vote.

Draft declaration A/C.3/47/L.67 on summary or arbitrary executions

62. Ms. PENNEGARD (Sweden) introduced the draft resolution on behalf of the original sponsors and Benin, Kenya, Lithuania, the Russian Federation and Senegal. The draft resolution condemned the summary or arbitrary executions which continued to take place throughout the world and appealed for action to eliminate them. The draft resolution reaffirmed the decision of the Commission on Human Rights to appoint a special rapporteur to consider that issue and requested the Commission, on the basis of the report of the Special Rapporteur, to make recommendations concerning appropriate action. The sponsors hoped that the draft resolution would be adopted without a vote.

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Draft resolution A/C.3/47/L.68 on alternative ways for improving the enjoyment of human rights

63. Mrs. VALLE (Cuba) introduced the draft resolution on behalf of the original sponsors and Angola, India, Namibia and Zambia. The draft resolution upheld two essential ideas, namely, that all human rights and fundamental freedoms were indivisible and interdependent and that the right to development was the most important of all human rights. The right to development was the only hope for overcoming the profound inequities that had developed between the North and South.

Draft resolution A/C.3/47/L.69 on periodic and genuine elections

64. Mr. PRESSLER (United States of America) introduced the draft resolution on behalf of the original sponsors and Canada, Chad, Nicaragua and Samoa. In recent years, the world had witnessed a resurgence of democracy and greater respect for human rights, which were sustained by free and fair elections. The draft resolution helped to define United Nations participation in electoral processes and enjoyed broad support from every region of the globe. It welcomed the Secretary-General's decision to establish a focal point for electoral verification and an Electoral Assistance Unit within the Secretariat; that unit would be financed from the regular budget. The guidelines referred to as "provisional" would be tested and refined in light of the experience of the following two years. The sponsors hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/47/L.70 on the situation of human rights in Cuba

65. Mrs. TAHIR-KHELI (United States of America) introduced the draft resolution on behalf of the original sponsors and Iceland, Latvia, Luxembourg, Portugal and Romania. The draft resolution was the product of several years of United Nations attention to the human rights situation in Cuba. The current session of the General Assembly was focusing on the conclusions offered to it by the Special Rapporteur on Cuba, who had produced an exceptionally detailed report despite that country's refusal to cooperate with him and the Commission on Human Rights. That report described the freedoms absent from Cuban society. The draft resolution reflected the Special Rapporteur's conclusions and recommendations and reaffirmed the obligations of Member States to promote and protect human rights and fundamental freedoms. She hoped that the Government of Cuba would allow the Special Rapporteur to visit and talk with the people. She asked that the draft resolution should be adopted as a clear message that the United Nations was concerned about human rights in Cuba and as a statement of support for the integrity of the entire system.

Draft resolution A/C.3/47/L.71 on the situation of human rights in Afghanistan

66. The CHAIRMAN introduced the draft resolution, which he had submitted and expressed the hope that it would be adopted without a vote, as in previous years.

The meeting rose at 1 p.m.

UNITED NATIONS
General Assembly
FORTY-SEVENTH SESSION
Official Records

THIRD COMMITTEE
56th meeting
held on
Thursday, 3 December 1992
at 3 p.m.
New York

SUMMARY RECORD OF THE 56th MEETING

Chairman: Mr. KRENKEL (Austria)

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The meeting was called to order at 3.10 p.m.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/47/24 and Add.1, A/47/353, 434, 445, 479, 501, 504, 552, 626, 630, 668 and Add.1, 701 and 702)

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AGENDA ITEM 149: THE SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA (continued) (A/47/247; A/C.3/47/9)

Draft resolution A/C.3/47/L.72

1. Mr. YOUSIF (Sudan), introducing draft resolution A/C.3/47/L.72, entitled "Situation of human rights in the Sudan", under agenda item 97 (c), said that his delegation wished the adoption of draft resolution A/C.3/47/L.77, entitled "Situation in the Sudan", to be postponed for procedural reasons. Outlining the main provisions of the preambular part of draft resolution A/C.3/47/L.72, he recalled that the competent human rights bodies of the United Nations were already seized of the human rights situation in the Sudan. Fact-finding missions had been carried out in the Sudan by the Special Representative of the Secretary-General appointed to study the question of internally displaced persons and by the Independent Expert of the Commission on Human Rights. The Independent Expert and the Special Representative were to report to the Commission on Human Rights at its forty-ninth session. He believed that until the Commission on Human Rights had fulfilled its mandate and had formulated its conclusions on the question, draft resolution A/C.3/47/L.77 would be an obstacle to the ongoing investigation process. While he did not question the competence of the General Assembly in the area of human rights, he believed that it should not take a decision on a question which was under consideration by another competent body of the Organization. He hoped that the sponsors of draft resolution A/C.3/47/L.77 would be sympathetic to the arguments put forward by his delegation in draft resolution A/C.3/47/L.72 and would decide to postpone the adoption of draft resolution A/C.3/47/L.77.

Draft resolution A/C.3/47/L.74

2. Ms. STROM (Sweden), introducing draft resolution A/C.3/47/L.74, entitled "Situation in Myanmar", on behalf of the sponsors, said that Albania, Liechtenstein, Luxembourg and Samoa had become sponsors. The sponsors had agreed to amend the text of operative paragraph 4 to read as follows:

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(Ms. Strom, Sweden)

"Urges the Government of Myanmar to take all necessary steps towards the restoration of democracy, fully respecting the will of the people as expressed in the democratic elections held in 1990".

3. The draft resolution was motivated essentially by the fact that the human rights situation in Myanmar continued to be very disturbing despite certain measures taken by the Government, that the commitments made by the Government of Myanmar at the forty-sixth session of the General Assembly had not been fulfilled, and that democracy had not been restored in that country. She drew particular attention to paragraphs 2, 3, 4, 7, 8, 9 and 13 of the draft resolution. Sweden had cooperated closely with many delegations in drafting the resolution and hoped that it would be adopted without a vote.

Draft resolution A/C.3/47/L.75

4. Mr. RAVEN (United Kingdom), speaking on behalf of the 12 member States of the European Community, of which the United Kingdom was currently occupying the Presidency, and as the principal sponsor of draft resolution A/C.3/47/L.75, entitled "Situation of human rights in Iraq", said that the resolution had been sponsored by 28 countries, who had now been joined by Samoa. The question of human rights in Iraq had been taken up by many delegations at the current session. The Committee had also considered the two-part report submitted by the Special Rapporteur (A/47/367 and Add.1) on the situation of human rights in Iraq. Draft resolution A/C.3/47/L.75 largely reproduced resolution 1992/71 adopted by the Commission on Human Rights on 5 March 1992. He drew particular attention to the provisions of the seventh, ninth, tenth and eleventh preambular paragraphs and to paragraphs 2, 3, 4, 7, 8 and 9, and invited all Member States to adopt the resolution. He noted, in conclusion, that some stylistic changes had been made by the editors. He assumed that those changes did not affect the substance but reserved the right, in the event that the corrections changed the meaning of the resolution, to come back to them when the draft resolution was put to the vote.

Draft resolution A/C.3/47/L.76

5. Mr. RAVEN (United Kingdom), the main author of draft resolution A/C.3/47/L.76, entitled "The situation of human rights in the Islamic Republic of Iran", speaking on behalf of the European Community and its member States and of the 22 co-sponsors of the draft resolution, who had been joined by Samoa, drew attention to the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran (A/47/617). He noted that the report contained sections on the right to life, disappearances, political rights, the situation of women, the right to work, the right to education, the right to own property, freedom of religion, including the situation of the Baha'i community, and the events of 5 April 1992. He deplored the excessive imposition of the death penalty, systematic use of torture, and restrictions

(Mr. Raven, United Kingdom)

on freedom of expression, drew attention to the situation of the Baha'i community, which seemed to be subject to systematic harassment and persecution, and asked the international community to continue to keep the situation of human right in Iran under review. He drew particular attention to operative paragraphs 3, 5, 7 and 8, and appealed to Member States to adopt draft resolution A/C.3/47/L.76, which represented a significant statement of position by the international community.

Draft resolution A/C.3/47/L.77

6. Mr. BLACKWELL (United States of America), introducing draft resolution A/C.3/47/L.77 entitled "The situation in Sudan" on behalf of the 30 co-sponsors, who had been joined by Ghana, Iceland and Samoa, said that the draft resolution had been motivated by a wide variety of reports from credible international human rights organizations and the observations made by representatives of his own country. In Juba, hundreds of people had been summarily executed, including a number of Sudanese employees of international relief agencies. The abuses were a result of the intensification of the civil war, the Government's inhumane treatment of displaced persons and its imposition of arbitrary governmental authority. Serious human rights violations had also been reported in the Nuba mountains, where an "ethnic cleansing" operation was being carried out. In southern Sudan, the humanitarian situation was approaching a Somalia-like tragedy and it was essential to apply pressure on the Government to open up all possible relief corridors. Although the lack of access made it difficult to obtain accurate statistics on death rates, the few observers who had been to afflicted areas reported significant numbers of deaths from starvation and disease. Those numbers would certainly increase if the Government carried out its planned military offensive in the south against the Sudanese People's Liberation Army. The measures recently imposed by the Sudanese security services, which seemed intended to encourage foreigners to leave the country, were another source of concern. The relief programmes were, moreover, hampered by deliberate bureaucratic obstacles. In Khartoum, the Government continued to raze the shelters of thousands of people displaced by war and famine and to move those people to distant, inhospitable sites which lacked basic services and were far from employment opportunities. On behalf of the sponsors, his delegation urged Member States to adopt draft resolution A/C.3/47/L.77.

Proposed amendments contained in document A/C.3/47/L.78

7. Mr. BAHADIAN (Brazil) introduced, on behalf of the sponsors, the proposed amendments (A/C.3/47/L.78) to draft resolution A/C.3/47/L.55, entitled "The plight of street children".

8. He noted that the fate of street children throughout the world was arousing great concern and should therefore be given the greatest attention by all Governments, which could and should guarantee the protection of that particularly vulnerable social group by ensuring, inter alia, respect for its fundamental rights. It was a positive development that the question was

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(Mr. Bahadian, Brazil)

receiving greater attention, but it must be dealt with in a way that addressed not only the phenomenon but the necessary framework for promoting short- and long-term solutions, taking into account the fact that the plight of street children was aggravated by the persistence of poverty and underdevelopment and that the initiatives intended to ensure their protection were often implemented in circumstances of serious economic constraint.

9. Although draft resolution A/C.3/47/L.55 clearly addressed the need for Governments to continue to seek solutions, it omitted an important element, the international cooperation called for by the 1990 World Summit for Children and the Convention on the Rights of the Child.

10. The concept of the indivisibility of all human rights was one of the basic pillars of United Nations activities and accordingly the efforts in favour of street children would not be complete or successful in the long run if they were not accompanied by the measures required for ensuring their economic, social and cultural rights. International cooperation was therefore particularly important and the proposed amendments submitted to the Committee had been drafted in that spirit. They did not change the main thrust of the draft resolution but were intended to convey the same message on the basis of a stronger commitment which took into account the indispensable framework of international cooperation to address the root causes of the plight of street children. Its sponsors hoped that the proposal would be supported by all Member States.

Draft resolution A/C.3/47/L.73

11. Mrs. DA SILVA (Venezuela), introducing, on behalf of its sponsors, the draft resolution entitled "Human rights in Haiti", noted that the text followed the resolutions adopted by the General Assembly and the Human Rights Commission after the overthrow on 29 September 1991 of the constitutionally elected President, Jean-Bertrand Aristide. She then read out the main provisions of the draft resolution, emphasizing operative paragraph 5, and expressed the hope that it would be adopted by consensus.

Draft resolution A/C.3/47/L.79

12. Mr. KUEHL (United States of America), introducing draft resolution A/C.3/47/L.79, entitled "The situation of human rights in the territory of the former Yugoslavia", said that Bulgaria, Colombia, Egypt, Gambia, Greece, Iceland, Madagascar, Malaysia, Pakistan, Panama, Peru, Samoa, Saudi Arabia, Tunisia and Turkey had joined the sponsors.

13. The progression of events made it essential to consider the draft resolution, which concerned a vast human tragedy, in that systematic human rights violations were occurring throughout the territory of the former Yugoslavia, and in particular in the regions of Bosnia and Herzegovina under Serbian control, in the name of "ethnic cleansing", which could not fail to

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(Mr. Kuehl, United States)

remind everyone of harrowing historical events. The Commission on Human Rights Special Rapporteur had spoken of extermination, torture, arbitrary arrest and enforced expulsion, and while all parties were perpetrating such atrocities there was no doubt that the Serbian forces were largely responsible. The seriousness and extent of the crimes raised the question of genocide. In that regard both the Serbian forces and the civil authorities must understand that they would be held responsible for their acts and that other countries, horrified by the events, would continue to condemn those responsible and to work towards ending the conflict and establishing conditions that would allow the survivors to return home.

14. The sponsors encouraged the London International Conference on the Former Yugoslavia as well as United Nations and European Community negotiators to continue their efforts to find a solution. They paid tribute to the extraordinary work of the Commission on Human Rights Special Rapporteur, who had not only exposed the situation in the former Yugoslavia in detail but had also proposed specific measures such as the institution of monitoring missions *in situ*. The sponsors were awaiting the conclusions of the Secretary-General's study on the establishment of security zones, it being clearly understood that the international community would never accept territorial changes brought about by "ethnic cleansing". They took note of the heroic efforts made by the monitoring missions (in particular the Conference on Security and Cooperation in Europe, the Office of the United Nations High Commissioner for Refugees and the United Nations Protection Force) as well as by the International Committee of the Red Cross and the international media. They called on the Commission of Experts to examine the reports to be submitted to it under Security Council resolutions 771 (1992) and 780 (1992) with the greatest care.

15. At the request of Turkey and the United States, the Commission on Human Rights had just held, at Geneva, its second special session to consider the situation of human rights in the former Yugoslavia. The sponsors of the resolution, formulated at that meeting, had emphasized the responsibility of Governments and individuals as well as the determination of the international community to bring those responsible to justice.

16. Draft resolution A/C.3/47/L.79 reflected the work and conclusions of the second special session of the Commission on Human Rights. He drew attention to paragraphs 3, 7, 14, 18 and 19 (b) and (c), and said that Turkey had proposed the following amendments.

17. In the first preambular paragraph, after "the International Convention on the Elimination of All Forms of Racial Discrimination", the following should be added: "the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment". The ninth preambular paragraph would end with the words ", including the proposals made by the Co-Chairmen of its Steering Committee for the Constitution for the Republic of Bosnia and Herzegovina

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designed to protect human rights on the basis of fundamental human rights instruments". A new preambular paragraph would be added, to read: "Alarmed that, although the conflict in Bosnia and Herzegovina is not a religious conflict, it has been characterized by the systematic destruction and profanation of mosques, churches and other places of worship, as well as other sites of cultural heritage, in particular in areas currently or previously under Serbian control". Operative paragraph 6 would begin: "Demands that all parties involved in the former Yugoslavia, and especially those most responsible, cease these violations immediately". Lastly, in operative paragraph 14, the words "belonging to" should be followed by "ethnic communities or minorities".

18. Stressing that the very principles of the Organization were at stake, he added that on the eve of the forty-fourth anniversary of the Universal Declaration of Human Rights, bold action was needed to defend those principles, and he called for the widest support for the resolution, which was particularly opportune and necessary.

19. The CHAIRMAN drew the Committee's attention to draft decisions and resolutions A/C.3/47/L.45, L.49, L.52, L.53, L.54, L.56, L.58, L.59, L.60, L.63 and L.64, none of which had programme budget implications.

Draft decision A/C.3/47/L.45 ("Award of Human Rights Prizes in 1993")

20. Draft decision A/C.3/47/L.45 was adopted without a vote.

Draft resolution A/C.3/47/L.49 ("Right to Development")

21. The CHAIRMAN said that Austria, Chile, Côte d'Ivoire, Peru and Uruguay had joined the sponsors on the introduction of the draft resolution by Indonesia, in addition to which Niger, the Democratic People's Republic of Korea, Namibia, Samoa, Australia, Jordan, Sierra Leone, the Central African Republic, Uganda, Gambia, Togo and Swaziland had also joined the sponsors.

22. Draft resolution A/C.3/47/L.49 was adopted without a vote.

23. Mr. KUEHL (United States of America) said that his delegation had not participated in the vote on the draft resolution. While it recognized the importance of development and the relationship that existed between human rights, democracy and development, his delegation could not support the adoption of the draft because it considered that development was not so much a fundamental human right as an important social objective. The question of development did not fall within the competence of the Third Committee and should be considered by other United Nations bodies.

Draft resolution A/C.3/47/L.52 ("The situation of human rights in Estonia and Latvia")

24. Draft resolution A/C.3/47/L.52 was adopted.

Draft resolution A/C.3/47/L.53 ("United Nations Year for Tolerance")

25. The CHAIRMAN said that Afghanistan, Indonesia and the Philippines had become sponsors of the draft resolution.

26. Draft resolution A/C.3/47/L.53 was adopted.

Draft resolution A/C.3/47/L.54 ("Regional arrangements for the promotion and protection of human rights")

27. The CHAIRMAN announced that the Central African Republic, Egypt, El Salvador, the Gambia, Namibia, Nigeria, the Philippines, Samoa and Yemen had become sponsors of the draft resolution.

28. Draft resolution A/C.3/47/L.54 was adopted.

Draft resolution A/C.3/47/L.56 ("Strengthening of the Centre for Human Rights")

29. The CHAIRMAN recalled that Grenada and Togo had become sponsors of the draft resolution at the time of its introduction by Greece, and announced that Belarus, Bolivia, the Central African Republic, Côte d'Ivoire, the Gambia, Mauritania, Namibia, the Niger, Pakistan, Samoa and Ukraine had also become sponsors.

30. Draft resolution A/C.3/47/L.56 was adopted.

31. Mr. AIZAWA (Japan) said that his delegation supported the draft resolution that had just been adopted but that it had not become a sponsor because of the unexpected delay in his Government's consideration of the issue. However, Japan reaffirmed its support for the Centre for Human Rights.

Draft resolution A/C.3/47/L.58 ("Development of public information activities in the field of human rights")

32. The CHAIRMAN drew attention to a minor correction in paragraph 15: "under the item entitled" should be replaced by "under the paragraph entitled". He recalled that Italy and New Zealand had become sponsors of the draft resolution at the time of its introduction by Australia, and that Albania, Belarus, Bosnia and Herzegovina, Guatemala, India, Morocco, Samoa and Yemen had also become sponsors of the draft.

33. Draft resolution A/C.3/47/L.58 was adopted.

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Draft decision A/C.3/47/L.59 ("United Nations Voluntary Fund for Indigenous Populations")

34. The CHAIRMAN announced that New Zealand had joined the list of sponsors of the draft, which had been introduced by Norway.

35. Draft decision A/C.3/47/L.59 was adopted.

Draft resolution A/C.3/47/L.60 ("Elimination of all forms of religious intolerance")

36. The CHAIRMAN recalled that the Bahamas, Côte d'Ivoire and Cyprus had become sponsors of the draft resolution at the time of its introduction by Ireland. Albania, Azerbaijan, El Salvador, Samoa and Sierra Leone had also become sponsors of the draft. He recalled that the representative of Ireland had made an oral revision, which consisted in adding, in the first line of the tenth preambular paragraph of the English text, the word "of" before the word "intolerance".

37. Draft resolution A/C.3/47/L.60, as orally revised, was adopted.

Draft resolution A/C.3/47/L.63 ("Question of enforced or involuntary disappearances")

38. The CHAIRMAN recalled that Nicaragua, Panama and Ukraine had become sponsors of the draft resolution at the time of its introduction by France. He announced that Belarus, the Central African Republic and Samoa had also become sponsors. He drew attention to an error in the list of sponsors in the French text of the draft: Mauritania had been listed instead of Mauritius.

39. Draft resolution A/C.3/47/L.63 was adopted.

40. Mr. AIZAWA (Japan) said that, while his delegation had joined in the adoption of the draft resolution, the position it had expressed at the forty-eighth session of the Commission on Human Rights remained unchanged.

Draft resolution A/C.3/47/L.64 ("Declaration on the Protection of All Persons from Enforced Disappearances")

41. The CHAIRMAN recalled that Cuba, Mongolia, New Zealand, Nicaragua, Panama and Ukraine had become sponsors of the draft resolution at the time of its introduction by France, and announced that Belarus, Bosnia and Herzegovina, the Central African Republic, Colombia, Croatia and Samoa had also become sponsors.

42. Draft resolution A/C.3/47/L.64 was adopted.

43. Mr. AIZAWA (Japan) said that, while his delegation had joined in the adoption of the draft resolution, the position it had expressed at the forty-eighth session of the Commission on Human Rights remained unchanged.

44. Mr. SCHUTTE (Germany) said that his delegation had joined the consensus on draft resolutions A/C.3/47/L.63 and A/C.3/47/L.64, but that it wished to reaffirm its position regarding certain provisions of the Declaration. It had explained its position in detail when the Commission on Human Rights had adopted its resolution 1992/30 on 28 February 1992.

45. Mrs. KABA (Côte d'Ivoire), speaking on agenda item 97, said that, in its efforts to promote human rights, the United Nations had provided Member States with a whole range of legal human rights instruments, together with mechanisms for their implementation and information systems. The Convention on the Rights of the Child had aroused the keen interest of the international community and all Member States had acceded to it. In particular, 35 African States had become parties to the Convention and 8 African States had signed it. Côte d'Ivoire, which had signed the Convention on 26 January 1990 and ratified it on 2 February 1991, was in the process of integrating the Convention into its national legislation. The commitment of the African countries to give priority to children's issues was also attributable to the adoption, at the summit of the Organization of African Unity (OAU) held at Monrovia in 1979, of a Declaration on the Rights and Welfare of the African Child, as well as the African Charter on the Rights and Welfare of the Child adopted by the African Heads of State and Government in July 1990 at Addis Ababa.

46. However, the rights contained in those instruments could be exercised only if certain conditions were created. That was why the World Summit for Children had been held in September 1990. African participation in the Summit had been noteworthy, and 44 African Heads of State and Government had signed the World Declaration on the Survival, Protection and Development of Children in the 1990s and the Plan of Action for Implementing the World Declaration, adopted at the conclusion of the Summit. As part of the follow-up activities, the States members of OAU had convened, pursuant to a resolution adopted at Abuja in June 1991, an International Conference on Assistance to African Children, which had been held from 25 to 27 November 1992 at Dakar. A number of industrialized countries, African and international non-governmental organizations, National Committees of UNICEF, intergovernmental organizations and international financial institutions had taken part in the Dakar Conference, which had been jointly organized by UNICEF and OAU. The participants in the Conference had considered two basic documents prepared by UNICEF and OAU, entitled Africa's Children, Africa's Future: Human Investment Priorities for the 1990s, a comprehensive study of the overall situation of children in Africa, and Sectoral studies, a synthesis of plans of action in different sectors (health, education, water and sanitation, nutrition, women and small girls, children in especially difficult circumstances). The situation in those sectors had been examined by six specialized committees, which had developed strategies and determined the goals to be reached by 1995 and the year 2000, and had proposed ways of mobilizing resources at the national and international levels. A seventh committee, composed of finance ministers, considered the financing of national programmes of action. At the conclusion of the Conference, a document entitled "Consensus of Dakar" had

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been adopted. The Consensus defined priorities, outlined the national programmes of action and proposed a strategy for mobilizing and restructuring resources at the national, regional and international levels. In particular, it had been proposed that, by 1995, official development assistance allocations should be increased by 20 per cent for the priority sectors of education, primary health care, nutrition and water supply, and debt should be rescheduled and alleviated in order to support projects that benefited children. Moreover, the African States had pledged to reduce their military security and spending in favour of programmes for children.

47. The determination of African Governments to create the conditions for a new dynamics of development was motivated by the fact that Africa's children lived in extremely precarious conditions, and the chronic crisis that afflicted the continent negated all the efforts made by countries to improve conditions for children. The African infant mortality rate was the highest in the world. An increasing number of children were victims of malnutrition, endemic illnesses (in particular AIDS), illnesses caused by a lack of drinking water and sanitary facilities, and they suffered the effects of drought, poverty and armed conflicts. In order to assist the category of children in especially difficult circumstances, international assistance was essential.

48. Moreover, the Dakar Conference had underscored the need to implement the instruments adopted under the auspices of the International Labour Organisation regarding child labour, as well as the provisions of the Convention on the Rights of the Child that dealt with detained minors. The Dakar Conference was the first stage in the fruitful cooperation among African countries, international organizations, donors and governmental and non-governmental organizations with a view to changing the fate of millions of African children.

49. Mrs. ARYSTANBEKOVA (Kazakhstan), speaking on agenda items 97 (b) and (c), said that there was no doubt that respect for human rights and fundamental freedoms and economic and social development were closely linked to the establishment of lasting peace and international security, and that the progress that had been achieved in that area would provide a new impetus for international cooperation in all its aspects: political, economic, social and cultural.

50. After declaring its independence in December 1991, the Republic of Kazakhstan had adopted a constitutional law recognizing in its preamble the primacy of the rights and freedoms of the person as enshrined in the Universal Declaration of Human Rights and other international instruments. Furthermore, its President had said, in his statement to the forty-seventh session of the General Assembly, that Kazakhstan undertook to respect the obligations contained in the United Nations Charter and to participate constructively in all United Nations activities, which had a growing role in the current post-cold war period. Kazakhstan had also become a full member of the Conference on Security and Cooperation in Europe (CSCE) and would assume all

(Mrs. Arystanbekova, Kazakhstan)

obligations arising from the instruments of the Helsinki Conference. As a young State taking its first steps towards the establishment of a democratic society, it intended thus to make human rights an indivisible part of its internal and external policy.

51. The draft constitution, which had been studied in depth by independent foreign experts as well, recognized the sovereignty of the people and the primacy of human values and universally recognized norms, and aimed at establishing a civil society where State institutions would be placed under the control of the people. The provisions of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights had served as models for the legal status of the citizen. The draft constitution intended in particular to strengthen the right to life and to private property, education, freedom of movement and choice of residence, as well as access to public service. But it was not enough to establish constitutional rights and freedoms; a system of guarantees to put them into practice was also needed. In that regard, Kazakhstan would ensure that its fundamental law was more than declaratory in nature, as had been the case for previous constitutions.

52. Moreover, the Constitutional Commission, aware that Kazakhstan included many nationalities, was attempting to establish a democratic constitution which would respond not only to the norms of international law, but would also contribute to the unity of all its citizens. The internal policy of Kazakhstan was based on the principle of consensus among nationalities. To strengthen those relationships, a "peace and harmony prize" had been established by Presidental decree in order to reward Kazakh or other citizens who had contributed to understanding between peoples. Furthermore, the laws adopted by Parliament, particularly those on citizenship, Presidential and legislative elections, the judicial system and military service, also respected the equal rights of all nationalities.

53. On an international level, her delegation was certain that the World Conference on Human Rights in 1993 would represent a major stage in cooperation in humanitarian affairs, and it was pleased that 129 States had already supported draft resolution A/C.3/47/L.17. Furthermore, Kazakhstan, as a newly independent State, was open to broad cooperation in the legal field with United Nations Member States and intergovernmental and non-governmental organizations. It was counting on the constructive assistance of the Centre for Human Rights in providing international expertise regarding its legislation, organizing seminars with jurists and disseminating information on human rights. Like the rest of the international community, it would soon observe Human Rights Day. On that occasion, the delegation of Kazakhstan expressed the hope that the ideals of the Universal Declaration of Human Rights would become not only a legal standard, but also a moral standard for all countries and regions of an interdependent world.

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54. Mrs. FRECHETTE (Canada) said that, despite the amount of progress remaining to be achieved in human rights, the United Nations was moving in the right direction. In his report on the work of the Organization (A/47/1), the Secretary-General stated clearly that the Organization could take advantage of the opportunities before it only to the extent that it was able to respond collectively to democratic aspirations, and Canada shared that viewpoint.

55. Nowhere was the relationship between peace and human rights so graphically or tragically illustrated than in the former Yugoslavia. The international community had clearly recognized where primary responsibility rested for that tragedy: with those seeking to forge a homeland in Serbia, Croatia and Bosnia-Herzegovina through "ethnic cleansing". However, as the Special Rapporteur had stated in his report, all parties must answer for flagrant violations of human rights. A number of countries, including Canada, were making important efforts to establish an international ad hoc tribunal to prosecute those responsible for war crimes. Canada called on all countries represented at the United Nations actively to support that initiative. Close cooperation between the Special Rapporteur and other concerned institutions was encouraged in order to resolve the conflict.

56. The tragic events in the former Yugoslavia were all the more regrettable in the light of the important and positive changes taking place in Central and Eastern Europe and the States of the former Soviet Union. In order to promote the development of democracy, Canada was committed to providing technical assistance to those countries.

57. Hungary, the Czech and Slovak Federal Republic and Poland had made substantial progress in their reform efforts. Romania, Bulgaria and Albania had taken measures to strengthen democracy and consolidate pluralism. Estonia and Latvia, which were attempting to resolve the question of their Russian minorities, had strengthened their democratic institutions, and Lithuania was making similar progress. Despite tensions, Russia had maintained its commitment to a free society and was moving towards the adoption of a democratic constitution. Ukraine, Belarus, Kazakhstan and Kyrgyzstan had strengthened protection for ethnic minorities.

58. However, much remained to be done especially with respect to nationalism. Ethnic conflict had eroded many of the gains of democratization and national independence in Moldova, Georgia, Armenia and Azerbaijan. Civil strife in Tajikistan threatened to bring back the old authoritarian system; the political opposition in Uzbekistan and Turkmenistan was being harassed.

59. The establishment of democratic governments in Latin America had considerably improved the human rights situation there. Canada's unreserved support for progress in that area was underlined by its active participation in the Organization of American States. Canada reaffirmed its determination to see the legitimate representatives of the Haitian people return to their positions and agreed with the Special Rapporteur that the United Nations and the Organization of American States must assist them as soon as they had been

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(Mrs. Frechette, Canada)

restored to power. Canada appreciated Peru's concern to eradicate terrorism but remained convinced that terrorism could be effectively combated in full respect for human rights and democratic principles. It hoped that the November 22 elections would mark the return to a greater respect for Peruvians' fundamental rights.

60. Despite its good relations with Cuba, Canada had always expressed its concern about the human rights situation in Cuba. Her country urged Cuba to cooperate with the Special Rapporteur appointed by the Commission on Human Rights and to reflect on the consequences of its refusal to cooperate for its international image. In El Salvador, full implementation of the January 1992 peace accords could nurture a democratic civil society. However, since the cease-fire, a number of cases of murder, assault and intimidation had occurred. Confidence in the legal system and institutions of El Salvador would only be consolidated by the thorough investigation and prosecution of those crimes. The United Nations Observer Mission in El Salvador (ONUSAL) in which Canada proudly participated, continued to play an important role in the peace process.

61. In Guatemala, the longest lived civil conflict in Central America remained unsolved despite attempts to settle it. Disappearances, abductions, assassinations and intimidation of human rights and labour activists, as well as of the media continued. Canada congratulated Rigoberta Menchu for winning the Nobel Prize for Peace and encouraged her to continue her struggle.

62. In Africa, the fundamental principles of democracy were establishing themselves. Elections had been held in Ghana and Burkina Faso; Mali had embarked upon an accelerated process of democratization and Canada encouraged Sierra Leone to follow suit. Elections were imminent in Togo and Guinea while in Côte d'Ivoire the dialogue between the Government and the opposition had resumed under conditions more favourable to reconciliation. In Rwanda, human rights were being regarded more favourably as the Arusha negotiations progressed. Presidential elections had recently been held in Cameroon but the electoral process had fallen short of the international community's expectations.

63. There had been positive developments in the human rights situation in a number of African States particularly the United Republic of Tanzania, Ethiopia, Kenya and Uganda. Some initial change had even been noted in Malawi. However, the situation still remained alarming in Liberia where, despite the stabilizing efforts of neighbouring countries, there had been an outbreak of renewed fighting. The end of the civil war in Mozambique was a welcome harbinger of the restoration of basic human rights. However, recent events in Angola demonstrated the need for sustained commitment by all parties to all components of the peace process.

64. Canada was deeply concerned at the violation of basic freedoms in the Sudan. It believed that the Commission on Human Rights should be called upon

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to take decisive measures to address that situation. The tragedy in Somalia had resulted in terrible suffering for millions of people. Canada welcomed the use of enforcement measures to ensure the distribution of supplies but an enduring solution to the crisis would require concerted multilateral efforts.

65. The struggle against apartheid had culminated in considerable progress in South Africa over the previous three years. Most South Africans were, however, still deprived of fundamental rights and freedoms and the legacy of apartheid still governed most areas of their lives. Canada hoped that talks would resume in the near future and encouraged all parties in South Africa to establish a transitional Government.

66. The peace process initiated in the Middle East was promoting human rights in the region. However, many facets still needed improvement including the status of women and freedom of religion and expression. Determined to play a constructive role in the resolution of the Arab-Israeli conflict, Canada would chair the Multilateral Refugee Working Group. Moreover, while it was aware of the violations of human rights in Syria, it had welcomed the release of additional political prisoners over the past year.

67. Canada urged Iraq to provide all available information on missing Kuwaiti prisoners of war and was pleased that Kuwait had undertaken to increase the participation of its citizens in the democratic process by extending the vote to women. In Iraq, widespread abuses, particularly against the Kurdish and Shiite minorities, remained a source of concern. Iraq must accept and implement the Security Council resolutions and cooperate unreservedly with the Special Rapporteur. Canada deplored the decision by Iran to expel members of the International Committee of the Red Cross (ICRC) and insisted that Iran show greater respect for the rights of its citizens.

68. Turning to Asia, Canada welcomed Thailand's return to the democratic process and urged the new Government to take the necessary measures to strengthen freedom of expression. It also welcomed India's announced intention to establish a human rights commission, but remained greatly concerned about ongoing violence in Kashmir and the Punjab. The improvement of human rights in the Philippines was encouraging, but those rights should be fully restored throughout the country. In Viet Nam, political detainees held since 1975 had been freed and amendments to the Constitution provided for greater freedom of expression. Religious leaders and political activists, however, continued to be treated harshly and imprisoned.

69. The peace agreement concluded in 1991 did not appear to have brought any fundamental improvements to human rights in Cambodia, where the lack of cooperation by the Khmer Rouge with the United Nations Transitional Authority in Cambodia (UNTAC) and suspected violations of those rights were seriously threatening the peace process. In Laos, while some political prisoners had been released after many years spent in detention, freedom of expression had

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(Mrs. Frechette, Canada)

yet to be achieved. In China, numerous persons arrested during the events at Tiananmen Square remained in prison and human rights violations were also widespread in Tibet.

70. Concerned about recent acts of violence in Kabul, Canada called upon all sides to the Afghan conflict to seek a negotiated solution and to support international humanitarian assistance. In Pakistan, the recent adoption of legislation against forced labour constituted a step forward, but the risk of discrimination against minorities had been heightened. Canada welcomed the will manifested by the Government of Sri Lanka to cooperate with the Working Group on Enforced or Involuntary Disappearances, although the continuing use of terrorism and repression in that country remained a source of serious concern.

71. Canada reiterated its deep concern about the flagrant abuse of human rights in Myanmar. Despite some recent progress, fundamental changes remained minimal. Canada called for the release of Daw Aung San Suu Kyi and of all political prisoners. In that regard, the adoption of an uncompromising resolution would enable the Special Rapporteur to give forceful expression to those concerns during his forthcoming visit to Myanmar.

72. Following the tragic events in 1992 in Dili, Canada had decided to suspend three aid projects to Indonesia. By granting access to East Timor for international human rights organizations and journalists, Indonesia would contribute to the respect for human rights in that region.

73. Although the human rights situation remained a source of concern, efforts undertaken by numerous countries in that area were encouraging. The United Nations should not, however, relax its efforts, since, women, children, indigenous peoples and minorities only too often remained the victims of violence, exploitation and abuses. In that context, international mechanisms for the protection of human rights could and should be considerably improved. The Secretary-General might prepare an objective report on the issue, based on the work of bodies established pursuant to international instruments and those of the Commission on Human Rights. The primary aim of such a report might be to recommend ways in which the international community could assist the populations and countries most in need of support in attaining their objectives of peace, prosperity and freedom.

74. Three major events, which should enable the Organization to strengthen its machinery for ensuring respect for human rights, were going to take place in 1993; they were: the forty-fifth anniversary of the Universal Declaration of Human Rights, the International Year of the World's Indigenous People and the second World Conference on Human Rights. Canada pledged its full cooperation with all in the staging of those events.

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75. Mr. ROSENBERG (Ecuador) said that the political maturity which his country had attained served to guarantee democracy and respect for fundamental human rights; the rare violations that did occur were invariably punished. Furthermore, Ecuador was party to a large number of regional and international human rights instruments, whose provisions it scrupulously respected. Respect for human rights was systematically instilled into members of the armed forces and the police, with the cooperation of such organizations as ICRC and the Latin American Association of Human Rights, whose head offices were at Quito. The judicial inquiry service of the national police force had been restructured and would, in future, be more strictly subjected to the requirements of the law. All those measures had earned Ecuador a solid reputation as a civilized and mature country.

76. Civil and political rights were, however, only a small part of human rights. They were of little relevance to the destitute, whose fundamental needs remained unmet. Economic, social and cultural rights, which were withheld from the poor by an unjust international economic order, were just as fundamental. The 1993 World Conference on Human Rights should result in a balanced definition of human rights and promote the full exercise of those rights. It would, however, be unfortunate if it led to confrontations and was exploited by one group of countries for the purposes of putting the rest of the world on trial.

77. Ecuador hoped on the contrary that, in the same way as the Universal Declaration of Human Rights of 1948, it would give the international community an opportunity to define a framework within which measures could be taken to uphold human rights and fundamental freedoms in the post-cold-war period and in future decades.

78. The ceremony to launch the International Year for the World's Indigenous People was due to take place in a few days' time. His country, which was proud of the sizeable indigenous communities amongst its own population, supported that welcome initiative, which would encourage the introduction of mechanisms to assist indigenous peoples. Ethnic diversity was a source of vast cultural wealth for his own country and its continued existence was guaranteed by the system of intercultural education introduced in 1948, which enabled the various communities to be educated as they saw fit and in their own language. Indeed, aid for indigenous peoples should not only allow them to move up the social scale, but should also and above all protect their way of life and their culture.

79. In view of the importance of land to the various ethnic groups in his country, more than a million hectares had been distributed to various indigenous peoples and a democratic dialogue was continuing between the Government and the organizations representing those peoples. Although the State had been unable to accept and meet all the just aspirations of the indigenous peoples, the democratic institutions had supported a consensus which should ensure the integrity of the nation.

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(Mr. Rosenberg, Ecuador)

80. On 10 December 1992, on the anniversary of the Universal Declaration of Human Rights, the Nobel Peace Prize would be formally awarded to Rigoberta Menchú, who had devoted herself to the cause of indigenous peoples. That award was an honour for Latin America as a whole and a sign of hope for all the world's indigenous peoples.

81. Ms. LIMJUCO (Philippines) said that, unfortunately, during the current period of transition, which was marked by numerous ethnic conflicts and severe economic deprivation, the peace and prosperity aspired to by all seemed further away than ever. The time had come to restructure the United Nations system in order to make optimum use of resources.

82. Monitoring was of great importance in the field of human rights. Although she recognized the useful role played by rapporteurs, particularly the thematic rapporteurs who, by exposing human rights violations, paved the way for corrective measures, she stressed that they should not duplicate the functions of existing mechanisms and that special rapporteurs should be appointed for limited periods, if only for financial reasons. Human rights violations were a permanent problem and could be dealt with only by means of a permanent arrangement capable of focusing on prevention, a requirement which by definition special rapporteurs could not meet, since they were appointed only after human rights violations had occurred. Her delegation therefore supported all initiatives to strengthen existing mechanisms, such as the Centre for Human Rights and regional arrangements. She welcomed the growing emphasis placed on prevention, as reflected in the statement by the Secretary-General for Foreign Affairs of Austria, Mr. Schallenberg.

83. The integrity and worth of the rapporteurs was not in question, but the very fact that they had been asked to conduct an inquiry engendered distrust in the country concerned. On occasion they were unable to gain access to the persons they needed to interview or were not even allowed into the country, a situation which resulted in costly delays.

84. The World Conference on Human Rights would be held at precisely the right time to consider the problems and programmes for the next quarter of a century. A consensus had at last been reached on an agenda which, it was to be hoped, would provide ample opportunity to address problems specifically affecting disadvantaged groups such as street children, migrant women workers, the disabled, the ageing, and refugees and displaced persons. Needless to say, women's rights would be on the agenda.

85. Given the importance of the role which non-governmental organizations could play in supporting the United Nations system, she welcomed the fact that the Secretary-General had now strengthened the Non-governmental Organizations Unit of the Department of Economic and Social Development, as called for by the Economic and Social Committee in resolution 1992/39, and she looked forward to the proposals to be submitted by the Secretary-General for the biennium 1994-1995. She hoped that in the near future rules would be drawn up

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(Ms. Limjuco, Philippines)

to govern the participation of non-governmental organizations in United Nations bodies; her Government had offered to host a conference in preparation for the world forum of non-governmental organizations to be held in 1995 in parallel with the Fourth World Conference on Women in Beijing.

86. In conclusion, she read out the pledge to be made by the President of the Republic of the Philippines on 10 December to mark the celebration of Human Rights Day, which read:

> "We, the Filipino people, inspired by the Divine Providence and guided by the State policy embodied in our Constitution to value the dignity of every person and to guarantee full respect for human rights, do hereby solemnly pledge:
>
> To uphold the rights and dignity of every person, whether rich or poor, adult or child, learned or ignorant, regardless of race, sex or ideology.
>
> We assume full responsibility for upholding the supreme and inalienable rights of every man, woman and child as mandated by the Philippine Constitution, the Universal Declaration of Human Rights and other international covenants, as well as the common values of the Filipino people.
>
> In all our efforts in the service of our people, we will give every Filipino all the means to develop as a full human being guided by peace, justice and human rights for all."

87. The CHAIRMAN drew attention to the financial implications of the World Summit for Social Development (A/C.3/47/L.80).

88. Mr. RAVEN (United Kingdom) sought clarification from the Acting Controller on paragraph 18 of document A/C.3/47/L.80, which stated that, with reference to the requirements for 1994-1995, proposals would be made to the General Assembly in the context of the proposed programme budget for the biennium 1994-1995. His delegation realized that the Budget Division was not in a position to give a detailed explanation of all the estimated expenditure for 1994-1995 while the 1992-1993 biennium had only reached its halfway point. Nevertheless, since the decision by the General Assembly to convene the Summit would have financial implications beyond the current biennium, it would be useful to have a general idea of the expenditure, so that his delegation could inform its Government of the cost of the preparatory process and of the Summit itself during the 1994-1995 biennium (such as conference services, staff costs for the substantive services, and travel and documentation costs). In so far as funds would be allocated for the preparation of the Summit and for the Summit itself to the detriment of other activities to be undertaken by the Organization, it would be useful to know the amount of those sums.

89. Mr. SCHUTTE (Germany) said that he shared the concerns of the representative of the United Kingdom regarding paragraph 18 of document A/C.3/47/L.80. He sought additional clarification from the Division on paragraphs 4 and 7 of document A/C.3/47/L.80, which mentioned the provisions of General Assembly resolution 35/10 C, setting out guidelines for the preparation, organization and servicing of special conferences of the United Nations and of their preparatory meetings. The preparatory process for the World Summit described in draft resolution A/C.3/47/L.51 deviated in several respects from those guidelines, entailing possible additional expenditure which would have to be met from the United Nations budget. His delegation would therefore like to know the amount of additional expenditure which would arise as a result of not following the guidelines.

90. Mr. BAUDOT (Acting Controller, Office of Programme Planning, Budget and Finance) said that programme budget implications of draft proposals were submitted to the Committees of the General Assembly to assist them in reaching decisions on the issues under consideration. As the next stage, the Fifth Committee submitted to the plenary Assembly proposals for action on those financial implications. He acknowledged that the programme budget implications of draft resolution A/C.3/47/L.51, contained in document A/C.3/47/L.80, were incomplete, particularly with regard to paragraph 18. The failure by his Office to give information beyond 1993 was primarily due to the restructuring exercise in the Secretariat, and also to the fact that the draft resolution did not identify all the elements necessary for an exact assessment of the cost of the Summit itself.

91. In response to the question raised by Germany, he explained, with reference to the interpretation of resolution 35/10, that the Centre for Social Development and Humanitarian Affairs at Vienna and the Department of Economic and Social Development in New York would participate in preparations for the Summit. The statement of programme budget implications mentioned those two offices and stated that the activities would fall within the new economic and social structures to be established during the second phase of the reorganization of the Secretariat. There was no reason, therefore, to assume that there would be additional costs. The question of the venue of the Summit was for the General Assembly to decide. Since draft resolution A/C.3/47/L.51 contained a proposal on the venue, however, he noted that all additional expenses resulting from a change of the normal venue, namely, Vienna or New York, would be borne by the host country; the proposal therefore did not entail any additional cost for the regular budget of the United Nations.

92. Turning to the question put by the representatives of the United Kingdom and Germany, he said that he could provide, either informally in writing, or, if he had a little more time, as an addendum to the programme budget implications, a cautious but realistic estimate of costs for 1994-1995. That estimate would incorporate three factors: the support to be provided by the Secretariat (namely, the additional cost which that support would involve); the cost of conference services required both for the Preparatory Committee

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and for the Summit itself; and various costs generally included for information purposes. He stressed that that would be in the nature of further clarification and would not, strictly speaking, be part of the programme budget implications of the draft resolution.

93. Mr. O'BRIEN (New Zealand) said that he was heartened by the consensus established in the Third Committee on settling the agenda for the World Conference on Human Rights in 1993. Human rights were the foundation of freedom, justice and peace, and their universal respect was an essential prerequisite for security. Therefore, it was encouraging that the United Nations had been able to meet the challenge of the promotion of human rights by developing a body of international law.

94. Educational and preventive mechanisms were of primary importance. Through its programme of advisory and technical assistance services, the United Nations could offer practical assistance to Governments in elaborating legislation and in establishing a national structure for human rights promotion and protection. The global public information campaign on human rights, for its part, led to greater awareness and, consequently, greater respect for human rights. The bodies established pursuant to international instruments to monitor compliance by States parties also played a vital role. New Zealand fully supported their work and the professionalism and non-political approach which characterized their activities. Through the dialogue they established with States parties and through their general commentary, those bodies developed a better understanding of the rights stipulated in such instruments. Thematic procedures, which were not restricted to a single country or event, were particularly useful. They made it possible to address recurring human rights violations such as torture, summary or arbitrary execution or detention, and forced or involuntary disappearances.

95. Sometimes preventive diplomacy was not enough, and human rights violations persisted despite the efforts of the international community. For that reason, the United Nations had developed a system of working groups, special representatives and rapporteurs to investigate allegations of flagrant human rights violations and to provide the international community with details and information on the prevailing situation in countries under investigation, through the submission of reports.

96. The United Nations should also give priority to the conclusion of its work in standard-setting. In that regard, the Third Committee would extend the body of international law through the adoption of the draft declaration on the protection of all persons from enforced or involuntary disappearances and the draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities. New Zealand supported the adoption of both declarations. Work on the draft declaration on the rights of indigenous peoples and the draft declaration on violence against women had made good

(Mr. O'Brien, New Zealand)

progress. The standard-setting work of the United Nations was essentially complete, but implementation of existing norms through mechanisms already created must be ensured.

97. In its role in protecting and promoting fundamental human rights, the United Nations continued to encounter some resistance, and human rights violations, often massive, still occurred in many regions of the world. Therefore, it must be perfectly clear that Governments were accountable for their treatment of their citizens. If they did not meet their obligations, the international community, and especially the United Nations, must protest and must carry out its human rights responsibilities in a non-political and non-selective manner.

98. New Zealand was appalled at the situation in the former Yugoslavia. It had fully supported the convening of two special sessions of the Commission on Human Rights and had co-sponsored the resolution adopted at each session. The reports of the Special Rapporteur painted a grim picture of a situation that was continuing to deteriorate. "Ethnic cleansing" was the major cause of human rights violations in Bosnia and Herzegovina. New Zealand would continue to give active support to the initiatives of the Commission on Human Rights to bring an end to abuses in the former Yugoslavia, and supported the extension of the mandate of the Special Rapporteur. It had accepted, under its annual refugee quota, 50 former detainees from camps in Bosnia and Herzegovina, and up to 150 of their family members. The first group had recently arrived in New Zealand. The Government was in the process of facilitating immigration procedures for 150 other relatives of New Zealanders of Yugoslav origin who had been affected by the civil war. In addition, it had contributed nine military observers to UNPROFOR. As a member of the Security Council, it was seeking to facilitate a negotiated settlement of the crisis, and to ensure a coordinated and effective response of the international community.

99. The Special Rapporteur on Iraq had submitted a two-part report. The first part (A/47/367) was devoted to the systematic attacks against the civilian population of the southern marsh area by the Iraqi military forces, which was of great concern to New Zealand. The second part (A/47/367/Add.1) concerned the general situation of human rights, and described equally grim circumstances. New Zealand reiterated its appeal to the Government of Iraq to put an end to such brutality.

100. In Iran, human rights violations appeared to be continuing, and it was disappointing that the Iranian Government appeared to have discontinued its cooperation with the Special Representative of the Commission on Human Rights and the International Committee of the Red Cross.

101. His delegation regretted that the Special Rapporteur on the human rights situation in Cuba had been unable to visit the country, and hoped that the Cuban Government would assist the Rapporteur in fulfilling his most important mandate.

(Mr. O'Brien, New Zealand)

102. In Haiti, there were reports that since the *coup d'état* of September 1991, there had been systematic and widespread violations of human rights. New Zealand wanted to see the earliest possible return to democracy in Haiti and therefore supported the recommendation of the Special Rapporteur that the United Nations should continue to work with the Organization of American States to promote a solution to the political crisis in that country.

103. Although the repatriation of 1 million refugees from Pakistan to Afghanistan over the past few months was an encouraging development, the situation of conflict and lawlessness which prevailed in Afghanistan, especially in Kabul, and the consequent violations of human rights should not be forgotten. New Zealand hoped that conditions would be soon created enabling the remaining 4 million refugees in Pakistan to return to their homes.

104. In Myanmar, the refusal of the State Law and Order Restoration Council to allow the democratically elected Government to take office was deplorable, as was the Council's reluctance to enter into a real dialogue with democratic political leaders. New Zealand welcomed the modest relaxation of the Government's hard-line policy on human rights issues, including the release of some political prisoners, the lifting of the curfew and the rescinding of certain martial law powers. It hoped that the Government would facilitate the Special Rapporteur's scheduled visit to Myanmar later that month and would invite the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Refugees (UNHCR) into the country to carry out their purely humanitarian tasks. In his speech to the General Assembly on 5 October, the Minister for Foreign Affairs of Myanmar had spoken in detail about plans for a national convention to take place in his country to work on a new constitution. New Zealand urged Myanmar to give all groups and individuals every opportunity to participate in that process.

105. New Zealand had welcomed the decision of the Government of South Africa to join in a constitutional process aimed at finally bringing democracy to the majority of South Africans. Apartheid continued, however, and the nature of the Government had so far not changed. The impasse in the political talks among all parties in South Africa and the escalating violence must be ended as soon as possible, because delay was sapping confidence and good will and was also weakening the country's economy. New Zealand urged the earliest possible return to the negotiating table.

106. On the bright side, peace agreements had been reached in El Salvador, and the situation there with regard to civil and political rights had improved. Every effort must be made to prevent the re-emergence of past patterns of human rights violations.

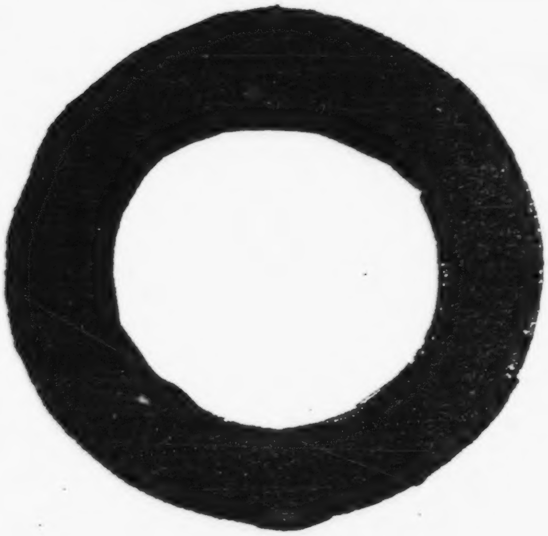
107. The observance of the International Year of the World's Indigenous People was of special interest to New Zealand. His Government was currently coordinating, in consultation with the Maori people, various activities to be

(Mr. O'Brien, New Zealand)

undertaken in New Zealand in the context of the Year. The World Conference on Human Rights would also take place in 1993. New Zealand hoped that the Conference would result in a consensus on advancing the promotion and protection of human rights in practical ways.

108. Finally, he stressed that the various human rights mechanisms could function effectively only if they received adequate human, material and financial support. If the international community was serious in its quest to achieve universal respect for human rights, it must be prepared to provide appropriate financial resources.

The meeting rose at 6.20 p.m.



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General Assembly
FORTY-SEVENTH SESSION
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THIRD COMMITTEE
57th meeting
held on
Friday, 4 December 1992
at 10 a.m.
New York

SUMMARY RECORD OF THE 57th MEETING

Chairman: Mr. KRENKEL (Austria)

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* Items considered together.

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The meeting was called to order at 10.15 a.m.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/47/24 and Add.1, A/47/353, 434, 445, 479, 501, 502, 503, 504, 552, 626, 630, 668 and Add.1 and Corr.1, A/47/701 and 702; A/C.3/47/L.18/Rev.1, L.61 and L.65)

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AGENDA ITEM 149: THE SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA (continued)

1. Mr. ORDZHONIKIDZE (Russian Federation) said that a comprehensive body of international law on the protection of human rights had been established, largely thanks to the efforts of the United Nations, and that the international standards on human rights should be incorporated into the daily work of organs of State power at all levels. Any country that failed to guarantee enjoyment of all human rights to its population could not claim to be truly democratic. It was particularly important for the newly independent States, most of which were experiencing severe social and economic crises, not to ignore human rights issues, since doing so could lead to social upheavals and the emergence of hotbeds of tension.

2. The new democratic State of the Russian Federation was making every effort to raise its own human rights standards to international levels, which necessitated constructive interaction with the outside world. It therefore failed to understand the position of those States which stubbornly refused to cooperate with special rapporteurs and special representatives in the area of human rights. The special rapporteurs' reports before the Committee attested to wide-scale violations of human rights, particularly abhorrent among which were the practice of ethnic cleansing and such persistent phenomena as arbitrary executions, involuntary disappearances and torture. The Russian Federation was concerned by instances in which the results of free and fair elections had been ignored, and it resolutely condemned the persecution of political opponents, however reactionary or revolutionary their views might appear.

3. It was insufficient merely to record and condemn violations of human rights: efforts must be made to predict and prevent such abuses. To that end, comprehensive information on the world situation was needed, indicating the existence of potential flash-points. Optimal use should be made of the experience acquired by the United Nations in the field of human rights, in

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(Mr. Ordzhonikidze, Russian Federation)

particular the institution of special rapporteurs and special representatives, whose mandates could be extended to include preventive functions, thereby helping to prevent the recurrence of tragedies like those in Yugoslavia and Nagorny Karabakh.

4. The Russian Federation supported proposals to allocate additional funds to human rights programmes and to strengthen the corresponding units of the Secretariat, primarily the Centre for Human Rights. The necessary funds could be obtained from existing resources by reallocating funds from activities that were no longer relevant, such as those undertaken under the trusteeship system.

5. The forthcoming World Conference on Human Rights should focus on strengthening the existing foundations of international human rights law and the creation of optimal conditions for the full implementation of the rights and freedoms established in international instruments, including a more effective system of monitoring.

6. Mr. AINSO (Estonia), speaking on agenda item 149, said that, prior to the Soviet occupation in 1940, ethnic Estonians had constituted 88.1 per cent of his country's population and the ethnic and cultural rights of minorities, including Russians, had been guaranteed by the 1925 law on the cultural autonomy of ethnic minorities. Over the 50 years of Soviet occupation, 70,000 Estonian citizens had been forcibly deported to remote areas of Siberia, while Russians had been deliberately encouraged to settle in Estonia through economic and other inducements. As a result, the proportion of non-Estonians in Estonia had increased to 38 per cent, thereby changing the ethnic character of the country.

7. Responding to allegations made at the 52nd meeting by the representative of the Russian Federation concerning Estonia's obligations under international human rights instruments, he pointed out that Estonia was not a State party to the Convention concerning Discrimination in Respect of Employment and Occupation or the Employment Policy Convention. As for the allegation that Estonia had breached articles 25 and 27 of the International Covenant on Civil and Political Rights, he observed that article 25 guaranteed the right of a contracting State's own citizens to take part in public affairs. Accordingly, Estonia had held parliamentary and presidential elections in September 1992 which had been deemed free and fair by numerous international observers. While the foreign resident population had not participated in the national elections, such individuals were entitled to participate in local elections if they were registered as permanent residents, a right which very few States accorded to their alien residents. Under Estonia's constitution, all residents, citizens and non-citizens alike, were guaranteed equal treatment.

8. Estonia had also complied with its commitments under article 27 of the Convenant with regard to ethnic minorities. All persons in Estonia, regardless of citizenship, were constitutionally entitled to preserve their ethnic identity and to establish institutions of self-government in accordance

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(Mr. Ainso, Estonia)

with the 1925 law on cultural autonomy for ethnic minorities. Under that law, the country's ethnic minorities were entitled to establish educational and cultural institutions using their own languages, and the Estonian constitution guaranteed to all individuals the right to freedom of conscience, religion and thought.

9. In response to the accusation that Estonia had denied 40 per cent of its population the possibility of becoming full-fledged citizens, he pointed out that the reinstated 1938 Citizenship Act provided non-citizen residents with the legal means of acquiring Estonian citizenship, through a system of residence and language-competency requirements. Recognizing the anxiety experienced by the many Russian-speaking people now residing outside the territory of the Russian Federation, Estonia had offered its former Soviet citizens the right to permanent resident status and the option to take citizenship of any State in the Commonwealth of Independent States while maintaining Estonian residence. Citizenship rights were established in the Treaty on Inter-State Relations between Estonia and the Russian Federation, in accordance with the right of every State to regulate its own citizenship procedures. None of the human rights covenants to which Estonia was party required it to grant automatic citizenship to people who had entered the country under the protection of an occupying army.

10. With regard to the accusation that Estonia had not provided a sufficient transition period for language acquisition for the purposes of employment, he noted that the language law had been adopted in January 1989; non-Estonian workers had therefore had nearly four years to acquire the necessary language skills.

11. In response to the criticism expressed by the Russian Federation of the Estonian law prohibiting foreign ownership of land, he pointed out that the Russian Federation had not yet given its own citizens the right to own land and was therefore demanding from Estonia rights it had denied its own people. Similar double standards were applied in education, where Russian-language schooling at all levels was provided to Russian-speaking non-citizens of Estonia, while Estonian communities in Russia enjoyed no such privileges. In general, he hoped that the forthcoming report of the United Nations fact-finding mission to Estonia would put an end to such unwarranted attacks on its sovereignty.

12. As a nation in transition, Estonia was suffering severe social and economic dislocation, with consequent hardships for its population. Recent initiatives had been adopted to save the jobs of non-Estonian workers in the north-east of the country and, in general, to help the country's non-citizen population retain gainful employment.

13. In addition to the planned United Nations fact-finding mission to Estonia, an expert commission had been dispatched by the Conference on Security and Cooperation in Europe (CSCE) to investigate the state of human

rights in Estonia, and Sweden had sent a team of observers to study the situation in north-eastern Estonia. He was encouraged by such recent developments as the acknowledgement by the Russian Government of the constructive approach of the Estonian authorities and the decision by the Russian Federation not to insist on automatic citizenship for Estonia's Russian-speaking non-citizens but to accept their naturalization according to generally recognized international norms. In conclusion, he reiterated the assurance given by the Estonian President to the President of the Russian Federation that the human rights of the Russian-speaking population of Estonia would be fully guaranteed.

14. Mr. KASOULIDES (Cyprus) said that the hopes aroused by the dramatic changes in Central and Eastern Europe had been dashed by the upsurge of extreme nationalism and vicious conflicts within the borders of States. Cyprus therefore welcomed the decisive stand taken by the Security Council in addressing local and regional disputes, which had created new optimism for the respect of international principles of human rights and the rule of law.

15. Unfortunately, the systematic and massive violation of human rights in Cyprus by Turkey persisted, notwithstanding Commission on Human Rights decision 1992/106 and previous resolutions on that issue. Long after its invasion of the island, Turkey continued to bar some 200,000 Greek Cypriot refugees from returning to their homes in the occupied area, in flagrant violation of Commission on Human Rights resolution 1987/50 and the European Convention on Human Rights, as the European Commission of Human Rights had concluded in its report on the problem (A/47/527-S/24660, annex).

16. In addition, Turkey was continuing its policy of importing settlers from mainland Turkey, to the detriment not only of Greek but also of Turkish Cypriots, who were compelled to leave Cyprus by increased unemployment and violations of their human rights and basic freedoms. That situation had been verified by the recent fact-finding mission to Cyprus of the Council of Europe Committee on Migration, Refugees and Demography and had prompted the Council to adopt a resolution on that subject (see A/47/536-S/24667).

17. Cyprus welcomed the Secretary-General's proposal for a nationwide census to be conducted in Cyprus by independent international personnel in order to determine the country's total population, the number qualifying as residents under the 1960 treaty establishing the country and the place of origin of all residents not born there.

18. Of the 20,000 Greek Cypriots living in the occupied area in 1974, only a few hundred remained, as a result of harassment, discrimination and oppression by the occupation forces. Since no institutions of higher education were permitted to operate, all young people were forced to move to free Cyprus in order to continue their education. They were not allowed to return to the occupied territory, which resulted in a subtle form of "ethnic cleansing" by creating a homogenous population. The effort to divide the Republic of Cyprus

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(Mr. Kasoulides, Cyprus)

permanently extended to the deliberate changing of historic names and toponyms and to the destruction and plundering of the country's rich cultural heritage.

19. While such violations might be viewed as an inevitable result of the invasion, there was no justification for the suffering of the relatives of the 1,619 missing persons, mostly civilians, including many women and children. Despite the adoption of a number of resolutions and the establishment of a Committee on Missing Persons, little information about those individuals had been offered, and the other side must be persuaded to cooperate without regard to political considerations in that purely humanitarian matter.

20. It was encouraging that the Security Council, in its resolution 789 (1992), had reaffirmed all its previous resolutions on the situation, thereby reminding Turkey that all Council resolutions must be implemented and respected. The Secretary-General had made an intensive effort to complete the set of ideas on an overall framework agreement on Cyprus, culminating in face-to-face talks in October 1992. Unfortunately, however, in his report on his mission of good offices in Cyprus (S/24830), he had concluded that the positions of the Turkish Cypriot side were fundamentally at variance with the set of ideas under the headings of the concept of the Federation, displaced persons and territorial adjustments. It was important that, even as the apartheid system was dismantled in South Africa, a similar system should not be institutionalized in Cyprus. His delegation joined the Secretary-General and the Security Council in calling on Turkey to accept the confidence-building measures and to implement Security Council resolution 789 (1992) in good faith as a first step towards restoring respect for the human rights of all the people of Cyprus.

21. Ms. SEMAFUMU (Uganda) said that the United Nations human rights programme should shift its focus from monitoring of the implementation of human rights standards to prevention, capacity-building at the national level and addressing the root causes of human rights violations. In preparation for the forthcoming World Conference on Human Rights, her delegation wished to offer some comments on the shortcomings of that programme which the Conference should address.

22. First, more attention must be paid to the link between development, human rights and democracy. While economic difficulties should not excuse Governments from their responsibility to protect and promote all rights for all citizens, limited resources did indeed undermine the capacity of Governments to ensure the effectiveness of institutions for the promotion of human rights. Furthermore, the violation of the right to food, shelter, primary health care, safe water and sanitation threatened the right to life and the full enjoyment of human rights as surely as torture and enforced disappearance or the denial of freedom of expression.

23. Unfortunately, the developed countries had tended to make respect for civil and political rights a condition for development assistance, which

(Ms. Semafumu, Uganda)

served to promote neither human rights nor development. Paradoxically, the emphasis on political rights and freedoms in the post-cold war era had not been followed to its logical conclusion: the establishment of a just international economic order.

24. Another factor undermining the effectiveness of the United Nations programme was the focus on abuse by Governments of political and civil rights at the expense of preventive action and programmes to enhance the capacity of societies to ensure the protection of their own rights. Technical and financial assistance and training for defence, law-enforcement and criminal justice administration officials would be useful. The United Nations must play a greater role in mobilizing financial resources for human rights programmes without reallocating funds from economic and social programmes. While the ultimate responsibility for the protection of human rights lay with national Governments, all sectors of society had a crucial role to play. Education and public information programmes on human rights standards must be given high priority.

25. Another negative development was the growing tendency for powerful nations to use political and civil rights as a pretext for settling bilateral scores and advancing narrow political interests. Unless the United Nations reversed that unfortunate trend, it risked losing its credibility and moral authority as an impartial organization, and thus the unique opportunity to promote human rights provided by the end of the cold war. As the promotion of human rights took place in a specific political, economic, social and cultural context, any attempt to prescribe solutions while denying cultural diversity would be an exercise in futility.

26. Uganda had continued its efforts to promote human rights as it pursued its development goals. A draft Constitution prepared on the basis of national dialogue would be completed by the end of 1992; following its adoption by an elected constituent assembly, elections would be held in 1994. New structures aimed at making the country's human rights machinery more accessible to the people were being established.

27. The difficulty experienced by the Preparatory Committee for the World Conference on Human Rights in drawing up a consensus agenda was a reflection of differences in perception resulting from different political, economic, social and cultural experiences. Her delegation hoped that, notwithstanding those difficulties, the World Conference would result in a renewed commitment to concrete action for the promotion of human rights of all individuals.

28. Mr. BILOA TANG (Cameroon) stressed the importance of promoting human rights at a time when the world was undergoing far-reaching changes that underscored the need for the full enjoyment of human rights by all individuals. In that context, his Government in recent years had been carrying out profound reforms by establishing a multiparty political system, guaranteeing freedom of the press, setting up a national human rights committee and liberalizing economic life in Cameroon.

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(Mr. Biloa Tang, Cameroon)

29. Legislative elections held in March 1992 had made it possible to establish a pluralistic parliament. For the first time in 30 years, his country had held a presidential election with multiple candidates in October 1992. The newly elected President, desiring to promote dialogue and consensus, had formed a Government of national unity, which sought, *inter alia*, to establish a second chamber of parliament, institute opposition status, set up provincial assemblies and grant extensive autonomy to the regions. All those reforms reflected the choice of the Government and people of Cameroon to establish a democratic system in the country.

30. Mr. MORA GODOY (Cuba) said that he wished to submit a revision to draft resolution A/C.3/47/L.48: paragraph 1 should read "Considers that the various reports submitted on the human rights situation in Cuba show that the use of the procedures envisaged for similar situations of human rights violations in the world should, in this case, be re-examined." His delegation had agreed to that wording in a spirit of flexibility.

31. The accusations made with regard to the so-called "situation of human rights in Cuba" were becoming increasingly aggressive and reflected the political vendetta being waged by the United States of America against Cuba. His delegation wished to demonstrate that that campaign constituted selective interference by the inquisitor and judge - the United States - in the affairs of the supposed sinner - Cuba - and that the campaign was merely a fabrication by the United States having no basis in fact.

32. The United States had an image as the global champion of the cause of human rights; each year, the United States Department of State issued a publication on the status of human rights in other countries, while excluding the United States from such classification, as if the power to make such judgements had been bestowed upon it by a supernatural being or a supranational institution. Yet an analysis of that country's own human rights record showed that United States legislation failed significantly to ensure respect for civil rights and the rights of minorities, failures that were no less serious than those it observed in other countries. Clearly, such a situation merited examination by the international community and the application of United Nations mechanisms for the monitoring of human rights violations. He wondered whether the United States of America would have the courage to invite the Commission on Human Rights to come to its territory or to submit its human rights record to scrutiny, as Cuba had done.

33. Some participants in the campaign against Cuba might bow to Washington's demands in the hope of some type of compensation. While the United States delegation had devoted one or two paragraphs in its recent statement to Cuba, Hungary had devoted five paragraphs, thereby demonstrating that it was even more interventionist than the United States.

34. A central part of the campaign against Cuba involved the alleged non-governmental organizations on which the report of the Special Rapporteur

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(Mr. Mora Godoy, Cuba)

(A/47/625) and the draft resolution against Cuba were based. He had evidence proving that United States Government funds and resources had been used to finance the activities of the non-governmental organizations interviewed by the Special Rapporteur. The National Endowment for Democracy had been established in 1983 by the United States Congress, and, although registered as a non-governmental, non-profit organization, its purpose was to finance organizations throughout the world from the United States budget in pursuit of the United States Government's political objectives in other countries. The Cuban Committee for Human Rights was just one of the organizations that had received funding from that organization in order to disseminate literature in Cuba on human rights activities.

35. The efforts of the United States Government to manipulate the human rights issue against Cuba had originated in the White House and State Department, and had not been based on the unbiased work of any human rights organization. The work of the Special Rapporteur was part and parcel of the United States campaign against Cuba, which could only be characterized as a pack of lies.

36. Mr. VASSILAKIS (Greece), while welcoming the statement by the representative of the United Kingdom on behalf of the European Community, expressed disappointment that Greece had once again found it necessary to address the issue of human rights in Cyprus. The continuing refusal of Turkey to implement General Assembly and Security Council resolutions on Cyprus was a stark exception to the broader trend towards freedom and democracy in the world. As a result of Turkey's policies, 40 per cent of the territory of Cyprus remained under occupation, and gross and massive violations of human rights and fundamental freedoms persisted. For example, the freedom of individuals to move, settle and acquire property was still denied to both Greek and Turkish Cypriots in Turkish-occupied areas, and Greek Cypriots who had been forced to flee the northern part of Cyprus in the wake of the 1974 invasion continued to be deprived of their homes and property. The European Commission of Human Rights had also concluded that Turkey was in violation of the European Convention on Human Rights.

37. Of particular concern to Greece was the effort to alter the demographic structure of the island of Cyprus, particularly in the occupied areas, by transferring Greek Cypriots from the northern part of the island to the south and tranferring large numbers of settlers into the occupied area. The situation in Cyprus had forced thousands of Turkish Cypriots to immigrate in order to avoid the oppression of Turkish settlers and troops. Such practices were in violation of article 49 of the fourth Geneva Convention and had been the subject of a resolution adopted recently by the Parliamentary Assembly of the Council of Europe.

38. The treatment of Greek Cypriots in the occupied area of the island constituted another major human rights violation. As demonstrated by the report of the Secretary-General to the Commission on Human Rights

(Mr. Vassilakis, Greece)

(E/CN.4/1992/25), those people were subject to oppression, discrimination and harassment by the occupation army, as well as violent acts such as robbery, theft and assault.

39. The situation regarding missing persons was yet another shameful violation of human rights. Despite the adoption of a number of United Nations resolutions and the establishment, in 1981, of a committee to collect information on missing persons, the Turkish authorities had been unwilling to cooperate in practical terms. The status of missing persons had also been a source of concern to the European Commission of Human Rights, which had noted, *inter alia*, that there were sufficient indications that Greek Cypriots who were still missing had been unlawfully deprived of their liberty and that Turkey had failed to account for their fate, in violation of the European Convention on Human Rights (A/47/204-S/23887). The systematic plundering of the cultural heritage of the occupied Cypriot territory should also be noted.

40. In his report to the Security Council dated 19 November 1992 (S/24830), the Secretary-General had noted that the exceptions asserted by Turkey to the principle of the right to return and the right to property in effect precluded the possibility that displaced Greek Cypriots would be able to return to their homes. Security Council resolution 789 (1992) had also reaffirmed the unacceptability of the status quo and had called upon the Turkish Cypriot side to adopt positions that were consistent with the set of ideas. The Greek Government welcomed the opportunity to cooperate with the Secretary-General in his mission of good offices so that resolution 789 (1992) and other resolutions on the question of Cyprus could be implemented.

41. Turning to other human rights questions before the Committee, he noted that the Centre for Human Rights was facing a critical situation as a result of a dramatic increase in its workload and the reduction of resources available to it. He therefore welcomed the adoption of the draft resolution calling for the Centre's strengthening. The 1993 World Conference on Human Rights should also give new impetus to the protection and promotion of human rights throughout the world, particularly through its emphasis on the prevention of human rights abuses.

Statements in exercise of the right of reply

42. Mr. ALI (Bangladesh), referring to the statement by the representative of the United Kingdom on behalf of the States members of the European Community concerning the situation in the hill tracts in Bangladesh, said that successive Governments in Bangladesh had attached the highest priority to the people of the hill tracts. The States members of the European Community were well aware of the positive steps taken in Bangladesh to uphold the civil and political liberties and socio-economic rights of all the people of the area.

43. The European Community must also be aware of the continued armed insurgency being waged by the so-called Shanti Bahini, who sought to

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(Mr. Ali, Bangladesh)

destabilize the political situation in the area. While Bangladesh remained fully committed to maintaining peace in the three hill tracts and protecting the ethnic identity of tribal people living there, the insurgency had impeded the Government's efforts to maintain harmony and promote social and economic development.

44. He drew attention to an incident which had taken place at Logang in April 1992, killing members of both the tribal and non-tribal populations. A judicial commission established to investigate the incident had made it clear that the incident was the direct result of a premeditated plan by Shanti Bahini terrorists to undermine the Government's efforts to promote peace and harmony. The European Community had in fact welcomed the recent publication of the commission's findings.

45. He wished to assure the Committee of his Government's total commitment to the welfare of the people of the hill districts. A Committee on Chittagong Hill Tracts had been formed to resolve the problems in those districts, and its recent fact-finding mission and meeting with the Shanti Bahini political umbrella organization reflected his Government's clear commitment to sincere and genuine political dialogue.

46. Mr. KUBBA (Iraq) said that the statements by the representatives of Australia, Canada and New Zealand reflected the desire of those countries to consolidate control over the entire northern part of Iraq. The statement by Australia had levelled new accusations of violations of the aerial exclusion zone. Those remarks reflected an ignorance of the demographic characteristics of the area; before the Committee made allegations of human rights violations, it needed precise data to support its claims. Moreover, it was disappointing that speakers had not addressed the suffering of the Iraqi people that had been caused by the occupation of Iraqi territory in the wake of the war in the Persian Gulf.

47. Mrs. AOKI (Japan) said that the Government of Japan had expressed its sincere apologies and remorse to all, irrespective of nationality or origin, who had endured pain and suffering as a result of their status as so-called "comfort women" during the Second World War. The Japanese Government had addressed that question, including the issue of compensation, in accordance with multilateral and bilateral peace treaties as well as other relevant treaties with the countries concerned. In the case of the country from which the "comfort women" had come, the claims were being discussed in the context of the bilateral normalization talks currently under way. Japan was fully aware that various views on the question of "comfort women" were again being expressed by the parties concerned, both governmental and non-governmental, inside and outside Japan. The Japanese Government was seriously considering how best to convey its feelings of compassion to those who had long suffered.

48. However, another issue that should be of interest to the country concerned had to do with Japanese women living in that country as wives of Koreans. At least 1,800 Japanese wives had gone to that country with their

(Mrs. Aoki, Japan)

Korean husbands around 1960; none of them had ever been allowed to return to their native country to meet family members or close relatives. The refusal to allow the wives to visit Japan constituted a breach of the relevant international humanitarian norms and was a source of great concern to the Japanese people. Consequently, her Government strongly urged the Government of the country concerned to respond on a humanitarian basis to Japan's sincere request and resolve the problem of expatriate wives.

49. Mr. MOTOC (Romania) expressed his delegation's complete disagreement and dissatisfaction with the allegations made in the statement by the Hungarian representative at the Committee's 55th meeting. It was clear that those allegations were wholly consistent with the position taken by Hungary at the forty-eighth session of the Commission on Human Rights, when it had been the only State to disagree with the Commission's general assessment that the mandate of the Special Rapporteur on Romania should not be renewed.

50. Hungary's position stood in bold contrast to the Romanian Government's positive attitude and close cooperation with the Commission on Human Rights, as emphasized in the Commission's resolution 1992/64. Romania was in fact deeply concerned at the rising wave of xenophobic and anti-Semitic activity in Hungary, and was therefore surprised that Hungary wished to teach lessons in democracy instead of preventing and eliminating the aforesaid phenomena.

51. For its part, Romania had opted for the rule of law and a democratic society that fully respected international human rights standards, which allowed it to promote and uphold fundamental human rights and freedoms. His Government's concern for human rights had been reflected in the new democratic constitution, which also included a provision stating that international human rights instruments would take precedence over domestic laws. Additional evidence of Romania's commitments to human rights lay in the country's membership in the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities.

52. Mr. Jong Moo CHOI (Republic of Korea) recalled that his delegation had already stated its position on the "comfort women" issue at the forty-eighth session of the Commission on Human Rights and the forty-fourth session of the Subcommission on Prevention of Discrimination and Protection of Minorities. Since 1991, the Government of the Republic of Korea had been urging the Government of Japan to bring to light all the facts relating to that issue and to take appropriate measures. In July 1992, the Japanese Government had acknowledged its involvement in the "comfort women" affair. The Government of the Republic of Korea had collected the relevant materials and had filed statements from the victims proving that coercion had been employed in the course of their recruitment. Building upon progress already made, discussions between the Government of the Republic of Korea and Japan were currently under way. His delegation hoped that the Japanese Government would expedite its fact-finding efforts and conscientiously pursue follow-up measures in order to resolve the "comfort women" issue as soon as possible.

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53. Mr. ZHANG Yishan (China) said that at the previous meeting the representative of Canada had viciously attacked China, in addition to a large number of other countries, apparently in the belief that the safeguarding of human rights meant accusing others. The Canadian delegation must think that the more countries it accused, the greater a champion it was of human rights. The full enjoyment of human rights had long been a noble goal pursued by mankind and the international community. Every year, the Committee considered the matter of human rights, and many countries made very useful comments contributing to the further protection and promotion of human rights. However, the practice of reducing that exercise to the level of making wilful accusations against other countries, as the representative of Canada had done, could by no means be considered safeguarding or promoting human rights.

54. Such an approach only poisoned the atmosphere of international cooperation, led to confrontation between North and South and politicized the question of human rights. The representative of Canada should abandon that practice and participate in genuine international cooperation for the promotion of human rights, rather than compete for first place in name-calling. That representative, naturally, carefully avoided levelling irresponsible accusations against the countries of the region to which Canada belonged, because they enjoyed immunity in that regard. Many countries, including China, had refrained from making accusations, not because there were no human rights problems in the region of which Canada was a part, but because they strongly believed that safeguarding of human rights was the joint responsibility of the international community and required cooperation, reconciliation, harmony and mutual respect and understanding.

55. Mr. RAHMAN (Pakistan) said that the statement by Canada reflected misconceptions and a lack of knowledge about recent events in Pakistan. In fact, the Pakistani Army had been called out in support of civil authorities only to restore order, an effort supported by all parties, including the opposition. In addition, Canada had been misinformed about certain details of the identification card programme Pakistan was considering: national identity cards had not yet been introduced, and the inclusion of "religion" as a category of data on the card was not directed at minorities. As to allegations concerning expedited judicial procedures, appeals courts would be able to review decisions made under those procedures. In addition, Pakistan had taken measures to guarantee the rights of individuals detained under the new regulations - for example, women were no longer being detained overnight.

56. By way of conclusion, he noted that Canada was not itself immune to human rights problems, as the situation of the Mohawks and other indigenous peoples demonstrated.

57. Mr. BURCUOGLU (Turkey) said that for the past four years the Greek delegation had always been the last to speak at the last meeting dealing with the question of human rights and had attacked only one country: Turkey. That demonstrated perseverence, or an obsession, or even a lack of imagination. Nevertheless, Greece was a sovereign State and had the right to choose the

(Mr. Burcuoglu, Turkey)

time and place to take the floor. In previous years the Turkish delegation had exercised its right of reply to refute the statements made by the representative of Greece. At the current session, however, rather than enter into a political discussion in the Committee, which was not the most suitable forum for doing so, his delegation, at the risk of surprising the Greek delegation, would refrain from entering the same debate.

58. Mr. HYON Hak Bong (Democratic People's Republic of Korea) said it was a well-known fact that the Japanese authorities had long denied Japan's direct involvement in the despicable and horrifying forced recruitment of "comfort women" during the Second World War until evidence had been discovered in the Japanese national archives and other sources proving the involvement of the Japanese Government and military. Although the Japanese Government had recently expressed remorse for what had happened, it continued to evade responsibility for the crimes committed. Japan had failed to conduct an overall investigation into the matter and was unwilling even to state clearly the number of victims or the full extent of the human rights violations perpetrated by the Japanese authorities.

59. At the beginning of the bilateral talks aimed at normalizing relations between the two countries, the Democratic People's Republic of Korea had raised the question and demanded a clear apology. Japan, however, had failed to make such an apology. Japan should demonstrate a sincere approach in the matter by conducting a thorough investigation, making the results public and pledging never to repeat that practice.

60. With regard to the issue just raised by the representative of Japan, the Government of the Democratic People's Republic of Korea was making every possible effort to resolve humanitarian issues such as visits to Japan by the Japanese wives of Koreans. All the humanitarian issues should be resolved together, and Japan should halt its hostile campaign against his country and promote that process.

61. Mr. VASSILAKIS (Greece) expressed appreciation to the representative of Turkey for at least recognizing the right of all Member States to take the floor whenever they deemed it appropriate. Turkey's human rights policy was based on a double standard: in one place it condemned ethnic cleansing, while in another it applied that practice. The Government of Turkey should read the report of the Secretary-General on his mission of good offices in Cyprus (S/24830) and comply with Security Council resolution 789 (1992). If that was done, the Greek delegation would not have to take the floor again on that question at the next session of the General Assembly.

62. Mr. KASOULIDES (Cyprus) said that everyone was aware that Turkey was actively involved in efforts to adopt strict measures in the case of the former Yugoslavia and promoting itself as a fierce protector of human rights in other countries far from home. However, if Turkey really wanted to improve its image, it should demonstrate its good faith by implementing the Security

Council resolutions on the question of Cyprus. In that connection, he once again called upon Turkey to act positively in the forthcoming round of negotiations and settle the Cyprus problem once and for all.

63. Mr. TROTTIER (Canada) recalled that in his statement at the preceding meeting he had indicated that human rights violations occurred in all regions of the world, including the Western States, and that, on occasion, situations had arisen in Canada leading to violations of the rights of individuals, including indigenous persons. What set Canada apart from some other countries was that human rights violations were not systemic to its form of governance and were not sustained. In every part of Canada and at every level of Government, there existed institutions through which individuals could seek redress for such violations. A free press, an active community of non-governmental organizations and an interested public ensured that Parliament took action on any institutional shortcomings through public inquiry. In the specific case of indigenous people, they enjoyed all the rights exercised by all Canadians; moreover, the Constitution guaranteed them additional rights, such as treaty and aboriginal rights.

Draft resolution A/C.3/47/L.18/Rev.1

64. The CHAIRMAN said that Angola, Belize, Bhutan, Brazil, Jordan, Lebanon, the Sudan and Swaziland had joined the sponsors of the draft resolution.

65. Draft resolution A/C.3/47/L.18/Rev.1 was adopted.

66. Mr. JOSHI (Nepal) said his delegation was pleased that draft resolution A/C.3/47/L.18/Rev.1 had been adopted by consensus. Nepal was committed to promoting universal standards for the protection of human rights and attached the highest importance to the forthcoming World Conference. Accordingly, he hoped that the consensus achieved by the Committee would ensure the success of that undertaking.

Draft resolution A/C.3/47/L.61

67. The CHAIRMAN said that the Sudan had joined the sponsors of the draft resolution.

68. Mr. RAVEN (United Kingdom), speaking on behalf of the European Community in explanation of vote before the voting, said that the States members of the Community would vote against the draft resolution, as they had done the previous year with regard to a similar draft resolution, to express their concern about the practice of selectively citing principles set forth in the Charter and their serious doubts about the appropriateness of considering a controversial draft under an item traditionally handled in a spirit of cooperation. The draft resolution did not add any constructive elements to the efforts by many delegations to enhance the effectiveness of the principle of periodic and genuine elections. Nevertheless, it should remain perfectly

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(Mr. Raven, United Kingdom)

clear that the European Community was fully committed to the principles of the Charter mentioned in the draft resolution. Its member States, however, objected to any use of the Charter to justify the denial of the right to free and democratic elections. As in all cases relating to the promotion and protection of human rights by the United Nations, those principles should be considered in conjunction with Articles 55 and 56 of the Charter.

69. A recorded vote was taken on draft resolution A/C.3/47/L.61.

In favour: Afghanistan, Algeria, Angola, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, China, Colombia, Comoros, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Qatar, Rwanda, Saint Kitts and Nevis, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Micronesia (Federated States of), Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Spain, Sweden, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belarus, Bolivia, Chile, Costa Rica, Dominican Republic, El Salvador, Ethiopia, Fiji, Gabon, Honduras, Jamaica, Philippines, Samoa, Togo.

70. Draft resolution A/C.3/47/L.61 was adopted by 82 votes to 43, with 14 abstentions.

71. Mr. NIETO (Argentina), speaking in explanation of vote, said that he had voted against the draft resolution because it emphasized the confrontational aspects of electoral assistance instead of promoting that institution. Since

United Nations electoral assistance was initiated at the request of a State desiring such assistance, there was no need to reaffirm the principles of national sovereignty and non-interference in the internal affairs of States, which, in any case, were duly set forth in the Charter.

Draft resolution A/C.3/47/L.65

72. The CHAIRMAN said that Bolivia, Cameroon, Ecuador, Ethiopia, Guinea-Bissau, Mali, Nigeria, the Philippines, Samoa, Senegal and Uganda had joined the sponsors of the draft resolution.

73. Draft resolution A/C.3/47/L.65 was adopted.

The meeting rose at 1 p.m.

UNITED NATIONS
General Assembly
FORTY-SEVENTH SESSION
Official Records

THIRD COMMITTEE
58th meeting
held on
Friday, 4 December 1992
at 3 p.m.
New York

SUMMARY RECORD OF THE 58th MEETING

Chairman: Mr. KRENKEL (Austria)

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The meeting was called to order at 3.20 p.m.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (*continued*) (A/47/60-S/23329, A/47/67, A/47/82-S/23512, A/47/84-S/23520, A/47/88-S/23563, A/47/89-S/23576, A/47/91-S/23585, A/47/122-S/23716, A/47/126, A/47/172, A/47/175, A/47/180, A/47/204-S/23887 and Corr.1, A/47/225-S/23998, A/47/256-S/24061, A/47/267, A/47/268, A/47/280, A/47/290-S/24204, A/47/296, A/47/335-S/24306, A/47/343, A/47/351-S/24357, A/47/356-S/24367, A/47/361-S/24370, A/47/366, A/47/392-S/24461, A/47/465, A/47/476, A/47/527-S/24660, A/47/569, A/47/671-S/24814, A/47/709-S/24837, A/47/712-S/24844, A/47/737; A/C.3/47/2, A/C.3/47/5, A/C.3/47/7, A/C.3/47/10, A/C.3/47/11)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (*continued*) (A/47/24 and Add.1, A/47/353, A/47/434, A/47/445, A/47/479, A/47/501, A/47/502, A/47/503, A/47/504, A/47/552, A/47/626, A/47/630, A/47/668 and Add. 1 and Corr.1, A/47/701, A/47/702)

Draft resolutions A/C.3/47/L.66, L.67, L.68 and L.69

Draft resolution A/C.3/47/L.66

1. The CHAIRMAN said that in addition to Malawi and the Republic of Korea, which had announced their intention to co-sponsor draft resolution A/C.3/47/L.66 at the time of its introduction, the Republic of Moldova, Samoa, Sri Lanka and Tajikistan had become sponsors of the text. He drew attention to a drafting error on page 4 of the French version of document A/C.3/47/L.66, where the title of the Declaration should read: "*Déclaration sur les droits des personnes appartenant à des minorités nationales ou ethniques, religieuses et linguistiques*".

2. Draft resolution A/C.3/47/L.66 was adopted without a vote.

3. Mr. BURCUOǦLU (Turkey) said that the text adopted by consensus contained no definition of the term "minorities". That omission could, in future, become a source of confusion or even conflict. Turkey would therefore interpret the Declaration in accordance with the bilateral or international instruments to which it was a party and in which the status of minorities was clearly defined. He found it regrettable that the concept of "political unity" was not mentioned in article 8, paragraph 4. That concept was as important as the concepts of "territorial integrity" and "political independence".

4. Mr. SCHUTTE (Germany) said that his delegation had joined the consensus on draft resolution A/C.3/47/L.66, thereby confirming Germany's position on that question, as explained to the Commission on Human Rights at the time of the adoption of resolution 1992/16.

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Draft resolution A/C.3/47/L.67

5. The CHAIRMAN said that in addition to the countries which had become sponsors of draft resolution A/C.3/47/L.67 at the time of its introduction, Côte d'Ivoire, Croatia, Japan and Samoa had indicated their intention to co-sponsor the text.

6. Draft resolution A/C.3/47/L.67 was adopted without a vote.

Draft resolution A/C.3/47/L.68

7. The CHAIRMAN announced that Angola, India, Namibia and Zambia had become sponsors of the draft resolution.

8. Mr. RAVEN (United Kingdom), explaining the position of the States members of the European Community before the vote on draft resolution A/C.3/47/L.68, said that despite the importance they attached to the promotion of all human rights, and although they were aware of the economic difficulties of developing countries, the Twelve would abstain in the vote on the draft resolution because the preamble seemed to imply that there were prior conditions for the exercise of human rights, and that was unacceptable. The Twelve also found it regrettable that in the text, the concept of human rights was distorted by the insistence placed on the collective approach to human rights, so that it was not made clear that the beneficiaries of those rights were individuals. Moreover, the draft resolution failed to mention that all violations of human rights fell within the purview of the international community.

9. A recorded vote was taken on draft resolution A/C.3/47/L.68.

In favour: Afghanistan, Algeria, Angola, Armenia, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Gabon, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Oman, Pakistan, Paraguay, Peru, Qatar, Republic of Korea, Rwanda, Saint Kitts and Nevis, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

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Against: None.

Abstaining: Argentina, Australia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Croatia, Czechoslovakia, Denmark, Estonia, Fiji, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Netherlands, Norway, Panama, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Samoa, Slovenia, Spain, Sweden, Togo, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

10. Draft resolution A/C.3/47/L.68 was adopted by 102 votes to none, with 49 abstentions.

11. Mr. KUEHL (United States of America) supported the comments made by the representative of the United Kingdom on behalf of the European Community States and recalled that his delegation had stated its position on the subject of draft resolution A/C.3/47/L.68 after the vote on draft resolution A/C.3/47/L.49 concerning the right to development.

Draft resolution A/C.3/47/L.69

12. The CHAIRMAN announced that Australia, Canada, Cape Verde, Chad, the Republic of Moldova, Nicaragua, Samoa and Tajikistan had joined the sponsors of the draft resolution.

13. Mr. FERNANDEZ (Cuba) recalled that, in his 1991 report on the question, the Secretary-General had said that it was the view of most Member States that electoral assistance by the United Nations should remain an exceptional activity and that most Member States had opposed the establishment of a new United Nations structure for that purpose. The Secretary-General had therefore decided to establish the Electoral Assistance Unit referred to in paragraph 3 of the draft resolution without the authorization of the General Assembly. The request to the Secretary-General to provide the Electoral Assistance Unit with adequate human and financial resources was contrary to the wishes of most Member States. Moreover, the "guidelines" referred to in paragraph 9 had been brought to the attention of delegations only the day before and therefore too late for them to be given careful study.

14. The United Nations should provide electoral assistance only at the request of the countries concerned and in quite exceptional cases, for example after conflicts arising out of the decolonization process, and with the agreement of the parties to those conflicts. The right to choose their electoral systems, which might be very varied, belonged to sovereign peoples alone. For all those reasons, his delegation would vote against the draft resolution.

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15. Mr. LAPOUGE (France), explaining his delegation's position before the vote on draft resolution A/C.3/47/L.69, said that France supported the principle of electoral assistance as defined in General Assembly resolution 46/137. The usefulness of such assistance was shown by the number of requests received for it by the United Nations in 1992. However, his delegation was concerned at the machinery for such assistance referred to in draft resolution A/C.3/47/L.69. It was essential to establish clear rules on the subject which would be the same for all, but paragraph 4 of the draft resolution referred to a "case-by-case" approach. Moreover, the guidelines referred to in paragraph 9 should have been submitted to delegations within a reasonable time frame, which had not been the case. It was also essential, for reasons of equity and transparence, for the electoral assistance to be financed under the regular budget and not, as paragraph 5 of the draft resolution provided, from a separate fund, as such operations were political in nature and must not be made dependent on the goodwill of contributors. Furthermore, the decision to establish an electoral assistance unit of which the General Assembly was asked to take note in paragraph 3 went beyond the authority given the Secretary-General in General Assembly resolution 46/137, which only requested him to appoint a senior official who, in addition to his normal functions and with a small staff, would coordinate the requests received from Member States. Lastly, the content of paragraph 7 gave rise to fear of a kind of bureaucratization which Member States did not desire. In spite of the improvements made in the text of the proposal, including the request in paragraph 4 that Member States be informed on a regular basis about the requests received and the responses given to those requests, and the request in paragraph 8 to reinforce the Centre for Human Rights, which had a very important part to play in creating genuinely democratic societies, his delegation could not support draft resolution A/C.3/47/L.69. It would therefore abstain in the vote on the draft resolution and hoped that the discussion of the question would be continued in more favourable circumstances.

16. Mr. YUAN Shou Cheng (China) expressed regret that the cart had been put before the horse, so to speak, by recommending "guidelines" to delegations which they had been unable either to examine or discuss. That was an undemocratic practice which was, unfortunately, all too frequent in the Third Committee. Moreover, the decision to establish the Electoral Assistance Unit referred to in paragraph 3 went beyond the authority granted by General Assembly resolution 46/137.

17. About 40 requests for electoral assistance had been made to the United Nations during the year. In Cambodia, the United Nations was preparing to organize elections. In Angola, it had verified the electoral process. In both cases, it had acted with the agreement of parties which were seeking a peaceful solution to a conflict. Draft resolution A/C.3/47/L.69, which dealt with the principle of periodic and genuine elections had nothing to do with such situations.

18. The guidelines referred to in paragraph 9 were therefore a matter for such bodies as the Security Council, the Trusteeship Council or the Special

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(Mr. Yuan Shou Cheng, China)

Political Committee; the Third Committee was exceeding its authority by recommending such guidelines. His delegation could not agree to blurring the responsibilities of the different bodies.

19. Elections involved the internal affairs of States and the United Nations had no authority to intervene systematically in that area. His delegation understood that some countries might request electoral assistance, but such assistance should be provided in accordance with the Charter and with due respect for national sovereignty.

20. A recorded vote was taken on draft resolution A/C.3/47/L.69.

In favour: Afghanistan, Albania, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Lebanon, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Micronesia (Federated States of), Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Samoa, Senegal, Sierra Leone, Singapore, Slovenia, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Venezuela, Yemen, Zambia.

Against: Sudan.

Abstaining: Angola, China, Colombia, Cuba, Democratic People's Republic of Korea, Equatorial Guinea, France, Iraq, Japan, Lao People's Democratic Republic, Malaysia, Mexico, Myanmar, Namibia, Philippines, Syrian Arab Republic, United Republic of Tanzania, Viet Nam, Zimbabwe.

21. Draft resolution A/C.3/47/L.69 was adopted by 129 votes to 1, with 19 abstentions.

22. Ms. AIOUAZE (Algeria) said that her delegation had voted for the draft resolution because of her country's commitment to the principles of democracy. Nevertheless, she did have two comments to make on that subject. First, her delegation considered the use of the expression "guidelines for Member States" in the title of document A/47/668/Add.1 to be inappropriate, particularly in view of the mandate that the General Assembly had given the Secretary-General in resolution 46/137. Furthermore, paragraph 4 of the report of the Secretary-General (A/47/668/Add.1) was confusing: it referred to two special cases in which the United Nations had assumed a role normally fulfilled by national election authorities. While the reference was relevant in one of those cases, it was not relevant in the case of Western Sahara, which had no "national" election authority because it was a Non-Self-Governing Territory in which the referendum on self-determination was taking place in the context of completion of the decolonization process.

23. Mr. BIGGAR (Ireland) said that his delegation had voted for the draft resolution because it considered the electoral activities of the United Nations to be extremely useful. His delegation had noted with interest the guidelines referred to in paragraph 9 of the resolution. Lastly, Ireland welcomed the decision to send a mission to Eritrea to verify the referendum there.

24. However, he believed that electoral assistance operations should be financed by all members of the international community and, hence, under the regular budget; the provisions of paragraphs 5 and 7 were therefore regrettable. Moreover, as electoral assistance operations were bound to proliferate in the future, he failed to understand why they were to be considered only biennially as of the forty-ninth session.

25. Ms. TERANISHI (Japan) said that her country supported the principle of periodic and genuine elections but had reservations regarding paragraphs 3, 5 and 7 of resolution L.69. She believed that the decision to establish an Electoral Assistance Unit was premature; such a Unit was not envisaged in General Assembly resolution 46/137 and would absorb resources which the Organization needed to finance other activities. Japan had made its position known in 1991 and requested that a more in-depth study be made of ways of following up resolution 46/137.

26. Mr. SCHUTTE (Germany) said that his delegation believed that the United Nations had a very important role to play in enhancing the effectiveness of the principle of periodic and genuine elections and welcomed the amendments agreed to by the sponsors, which had made it possible for Germany to vote for the draft resolution. He reaffirmed, however, that for reasons of principle it was essential that electoral assistance provided by the United Nations should be financed under the regular budget and not through voluntary contributions. His Government therefore had reservations with respect to paragraph 5. On the other hand, Germany was very much in favour of strengthening the Centre for Human Rights as provided for in paragraph 8.

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27. Mr. AL-DOUSARI (Qatar) said that the Arab Group had voted for the resolution, as it had done in 1991, even though it deeply regretted the changes that had been made since then. He hoped that, in future, the Committee would refrain from putting the interests of certain countries first, thereby undermining the credibility of United Nations resolutions.

28. Mr. CABRAL (Portugal) emphasized the importance of the Organization's electoral assistance role, as evidenced by the growing number of requests made for such assistance. However, given the scope of the task that lay ahead, his delegation deeply regretted the decision taken in paragraph 11 to biennialize consideration of that question as of the forty-ninth session. It also believed that the mandate of the Electoral Assistance Unit should have been more clearly defined and that electoral assistance activities should be financed under the regular budget.

29. Mr. MAZLAN (Malaysia) said that his delegation had abstained in the vote even though it was absolutely in favour of the goals of the resolution, because a text of such importance should have been submitted in time for delegations to be able to examine and debate it in depth.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (continued)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/47/367 and Add.1, A/47/418-S/24516, A/47/596, 617, 621, 625 and Corr.1, A/47/635-S/24766, A/47/651, 656, A/47/666-S/24809, A/47/676)

AGENDA ITEM 149: THE SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA (continued) (A/47/247; A/C.3/47/9)

Draft resolutions A/C.3/47/L.48, L.57, L.70-77)

30. The CHAIRMAN noted that the draft resolutions had no financial implications and invited the Committee to vote on draft resolution A/C.3/47/L.48, entitled "Cooperation of the Government of Cuba with the Commission on Human Rights in accordance with resolutions 728 F (XXVIII) and 1503 (XLVIII) of the Economic and Social Council and the thematic procedures established by the Commission", which had been submitted by Cuba. The Cuban delegation had revised the draft resolution orally, with the result that the words "is unjustified" at the end of paragraph 1 of the English text should be replaced by the words "should in this case be re-examined". Paragraph 1 would thus read:

> "*Considers* that the various reports submitted on the human rights situation in Cuba show that the use of the procedures envisaged for serious situations of human rights violations in the world should in this case be re-examined;".

31. Mrs. TAHIR-KHELI (United States of America), invoking rule 131 of the rules of procedure of the General Assembly, recommended that the Committee should vote on draft resolution A/C.3/47/L.70 before taking a decision on draft resolution A/C.3/47/L.48, since L.70 had been submitted before L.48. She noted that draft resolution L.70 reflected truly and accurately the conclusions of the Special Rapporteur on the situation of human rights in Cuba, whereas draft resolution L.48 questioned the application to Cuba of "the procedures envisaged for serious situations of human rights violations in the world". There was no justification for making an exception for Cuba. Moreover, the Commission on Human Rights had itself decided that the procedures in question should be applied to Cuba.

32. Ms. AL-HAMAMI (Yemen) said that her country customarily denounced all human rights violations irrespective of the country in which they occurred. However, having noted that certain States were politicizing human rights questions and that, as a result, human rights situations were being considered selectively, Yemen had decided not to vote on any of the draft resolutions relating to human rights situations except those adopted by consensus or enjoying broad support.

33. Mr. FERNANDEZ (Cuba) noted that his delegation had been the only one to request the floor and that it was probably by magic that the United States had had the privilege of speaking first.

34. He pointed out that in the Spanish version of draft resolution L.48, the reference to resolution 1503 (XLVIII) of the Economic and Social Council had been omitted from the title. He requested that a reference to that resolution be included in the title of all language versions.

35. Cuba believed that the motion of precedence proposed by the United States of America was an unacceptable manoeuvre designed to prevent action on the Cuban draft resolution. Firstly, the draft had been submitted before the deadline; secondly, the oral change made to the draft at the previous meeting envisaged further cooperation between the Cuban Government and the Commission on Human Rights in reviewing the human rights situation in Cuba. Accordingly, Cuba would vote against the motion of precedence.

36. The CHAIRMAN said that the Cuban representative's clarification regarding Economic and Social Council resolution 1503 (XLVIII) would be duly noted. In addition, as Cuba had been third on the list of speakers, magic had had nothing to do with the order in which the representatives spoke.

37. He read out rule 131 of the rules of procedure of the General Assembly.

38. Mr. YUAN Shou Cheng (China) observed that, according to rule 131 of the General Assembly's rules of procedure, when several draft resolutions concerning the same subject were submitted, they should be announced in the order in which they had been submitted, and not in the reverse order as seemed to be the case at present.

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39. A recorded vote was taken on the motion of precedence submitted by the United States of America.

In favour: Albania, Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Congo, Costa Rica, Croatia, Czechoslovakia, Denmark, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Micronesia (Federated States of), Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Slovenia, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Angola, Belarus, Burkina Faso, China, Cuba, Democratic People's Republic of Korea, Ghana, Iran (Islamic Republic of), Iraq, Kenya, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Myanmar, Namibia, Sudan, Syrian Arab Republic, Uganda, Ukraine, United Republic of Tanzania, Viet Nam, Zambia, Zimbabwe.

Abstaining: Afghanistan, Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Bangladesh, Barbados, Belize, Benin, Bolivia, Botswana, Brazil, Colombia, Côte d'Ivoire, Cyprus, Ecuador, Egypt, El Salvador, Equatorial Guinea, Guyana, India, Indonesia, Jamaica, Jordan, Malawi, Mexico, Mongolia, Nepal, Papua New Guinea, Peru, Philippines, Rwanda, Saint Kitts and Nevis, Singapore, Sri Lanka, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, Venezuela.

40. The motion of precedence was adopted by 59 votes to 23, with 41 abstentions.

41. Mr. MOTSYK (Ukraine) said that his country had voted against the motion of precedence proposed by the United States because there was nothing before the Committee to justify a change in the order of voting on the draft resolutions. A State's sovereign right to have its position heard should not be allowed to be violated through selective and partial application of the rules of procedure of the General Assembly. The question of precedence in no way changed his delegation's position on the substantive issues addressed in draft resolutions L.48 and L.70: it supported the draft resolution submitted by the United States of America and would have voted against the draft submitted by Cuba had it been put to a vote.

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Draft resolution A/C.3/47/L.70

42. The CHAIRMAN drew attention to draft resolution L.70 entitled "Situation of human rights in Cuba" which had been submitted by the United States of America, and said that the following countries should be added to the list of sponsors: Iceland, Latvia, Luxembourg, Portugal and Romania.

43. Mrs. OUSSIDINI (Uruguay) said that Uruguay would vote in favour of the draft resolution on account of its content. Nevertheless, the text should have been more balanced and should have taken into account paragraphs 60, 61 and 62 of the Special Rapporteur's report, which had noted the international climate hostile to Cuba.

44. Mr. ARRIA (Venezuela) said that neither draft resolution L.48 nor draft resolution L.70 met the criteria of objectivity, neutrality and impartiality which should be applied in considering human rights situations, and thus neither contributed to the cause of promoting or enhancing respect for human rights. Venezuela could not support the draft resolution submitted by Cuba because it appeared to conflict with the provisions of resolution 1992/61 of the Commission on Human Rights. As for draft resolution L.70, while it contained information which accurately depicted the human rights situation in Cuba and approved the recommendations of the Special Rapporteur, its wording was not consistent with the conclusions of the Special Rapporteur, in particular with paragraphs 59 and 62 of the report.

45. He regretted that the Government of Cuba had not made the work of the Special Rapporteur easier but was convinced that Cuba would ultimately take the Special Rapporteur's recommendations into account. With that in mind, his Government took the opportunity to appeal to the Government of Cuba not to hinder the Special Rapporteur in the fulfilment of his mandate. The acceptance by Cuban authorities of the presence of the Special Rapporteur in Cuba would show that the Government of Cuba was sensitive to the concerns of the international community, and would allow a more objective and accurate assessment of the human rights situation in that country.

46. From Venezuela's perspective, the question of human rights in Cuba went beyond the question of relations between Cuba and the United States of America to the situation of a fraternal people whose fate it could not ignore. The decision of some Latin American countries to vote in favour of draft resolution L.70 was an event of great importance in his delegation's eyes, because it confirmed that those countries, which not so long ago had themselves known serious human rights violations, fully appreciated the interest that the Commission on Human Rights took in Cuba. In conclusion, he warned that Cuba should not discount the concern of the international community because of its bilateral disputes with the United States.

47. Mrs. ALVAREZ (Dominican Republic) said that her delegation would vote in favour of draft resolution L.70 because it believed that the Special Rapporteur should be able to complete his mission, which did not constitute

(Mrs. Alvarez, Dominican Republic)

interference in the internal affairs of Cuba. She stressed, however, that the mandate of the Special Rapporteur should be confined exclusively to the human rights situation in that country.

48. Mr. MARTINI HERRERA (Guatemala) said that his delegation would abstain in the vote on draft resolution L.70, which did not mean that it was not concerned about human rights issues. On the contrary, Guatemala was deeply committed to the defence of human rights and fundamental freedoms, but it totally disapproved of the methods used in the United Nations in dealing with those matters, in particular, the selectivity and partiality manifested for political reasons. His delegation hoped that the World Conference on Human Rights would give close attention to that extremely disturbing issue.

49. Mr. KIM Jae Hon (Democratic People's Republic of Korea) said that his delegation supported draft resolution L.48, and not L.70, since it believed that the Cuban Government had cooperated to the full with the Commission on Human Rights. In addition, his delegation recalled the principles which, as had recently been reaffirmed by the Movement of Non-Aligned Countries at the Jakarta Conference, should guide the consideration of human rights issues in international forums, namely, impartiality, neutrality, objectivity and respect for national sovereignty.

50. Mr. FERNANDEZ (Cuba) requested that a recorded vote be taken on draft resolution L.70 and said that his delegation would vote against the resolution.

51. At the request of the representative of Cuba, a recorded vote was taken on draft resolution A/C.3/47/L.70.

In favour: Albania, Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Croatia, Czechoslovakia, Denmark, Dominican Republic, El Salvador, Estonia, Fiji, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Mauritius, Micronesia (Federated States of), Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Saudi Arabia, Singapore, Slovenia, Spain, Sweden, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Angola, China, Cuba, Democratic People's Republic of Korea, Ghana, Iran (Islamic Republic of), Iraq, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Myanmar, Namibia, Sudan, Syrian Arab Republic, Uganda, United Republic of Tanzania, Viet Nam, Zimbabwe.

Abstaining: Afghanistan, Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Cameroon, Colombia, Congo, Côte d'Ivoire, Cyprus, Ecuador, Egypt, Equatorial Guinea, Gabon, Guatemala, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Jamaica, Jordan, Kazakhstan, Lebanon, Lesotho, Liberia, Madagascar, Malawi, Malaysia, Mauritania, Mexico, Niger, Nigeria, Pakistan, Papua New Guinea, Peru, Philippines, Rwanda, Saint Kitts and Nevis, Sierra Leone, Sri Lanka, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, Tunisia, Venezuela, Zambia.

52. Draft resolution A/C.3/47/L.70 was adopted by 64 votes to 17, with 59 abstentions.

53. Mr. SERGIWA (Libyan Arab Jamahiriya) said that his delegation had voted against draft resolution L.70 because it believed that the consideration of human rights issues should be governed by the principle of non-selectivity. Using the issue of human rights for political ends or to change the system which a country had chosen of its own free will was contrary to the Charter of the United Nations. Libya's vote should not be seen as evidence of any lack of concern for human rights. On the contrary, Libya believed that the question of human rights was of fundamental importance in the modern world and should be accorded the highest priority. It was for that reason, furthermore, that Libya would participate actively in the World Conference on Human Rights in 1993.

54. Mr. YOUSIF (Sudan) said that his delegation had voted against draft resolution L.70 because it thoroughly disapproved of the manner in which the issue of human rights was treated in the United Nations, whereby certain countries manipulated the international community for political ends. What had happened prior to the vote on draft resolution L.70 amply demonstrated the point made by his delegation.

55. The CHAIRMAN again read out rule 131 of the rules of procedure of the General Assembly.

56. Mr. SZELEI (Hungary) said that, since the Committee had adopted resolution L.70, his delegation believed that there was no point in considering draft resolution L.48/Rev.1.

57. Mr. MORA GODOY (Cuba), supported by Mr. YOUSIF (Sudan), insisted that draft resolution A/C.3/47/L.48/Rev.1 should be considered.

58. The CHAIRMAN decided to put the motion proposed by Cuba to the vote.

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59. A recorded vote was taken on the Cuban motion that draft resolution A/C.3/47/L.48/Rev.1 should be considered.

In favour: Algeria, Angola, Burkina Faso, China, Cuba, Democratic People's Republic of Korea, Ghana, Honduras, Iran (Islamic Republic of), Iraq, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mongolia, Myanmar, Namibia, Sudan, Syrian Arab Republic, Uganda, United Republic of Tanzania, Viet Nam, Zambia, Zimbabwe.

Against: Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Micronesia (Federated States of), Netherlands, New Zealand, Norway, Panama, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Singapore, Slovenia, Spain, Sweden, Turkey, Ukraine,* United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Afghanistan, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Cameroon, Colombia, Congo, Côte d'Ivoire, Croatia, Cyprus, Ecuador, Egypt, El Salvador, Equatorial Guinea, Fiji, Guatemala, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Jamaica, Jordan, Kazakhstan, Malawi, Mexico, Nicaragua, Nigeria, Pakistan, Papua New Guinea, Peru, Philippines, Rwanda, Saint Kitts and Nevis, Saudi Arabia, Sri Lanka, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, Tunisia, Uruguay, Venezuela.

60. The Cuban motion that draft resolution A/C.3/47/L.48/Rev.1 should be considered was rejected by 50 votes to 25, with 54 abstentions.

61. Mr. BRITO (Brazil), speaking in explanation of vote after the voting, said that his delegation had abstained in the vote on draft resolution A/C.3/47/L.70 and would also have abstained on draft resolution A/C.3/47/L.48/Rev.1, had it been put to the vote. While recognizing the competence of United Nations bodies with respect to human rights issues, he felt that politicization of the issues by the United Nations did little to promote respect for human rights in the world. If any issue had been politicized at the United Nations, it was surely the issue of the human rights situation in Cuba. Draft resolution A/C.3/47/L.70 in no way reflected the

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* See paragraph 62.

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(Mr. Brito, Brazil)

balanced assessment of the situation given by the Special Rapporteur in his report. In particular, the Special Rapporteur had indicated clearly that the economic sanctions against Cuba ran totally counter to the goal pursued.

62. Mr. MOTSYK (Ukraine) said that a technical error had occurred during his delegation's vote on the proposal by Cuba to consider draft resolution A/C.3/47/L.48/Rev.1. His delegation had intended to vote in favour of Cuba's proposal, but the electronic system had recorded a vote against.

Draft resolution A/C.3/47/L.57

63. The CHAIRMAN said that the Dominican Republic, Cuba, Canada, Samoa, Belize and Bolivia had joined the sponsors of the draft.

64. Draft resolution A/C.3/47/L.57 was adopted without a vote.

Draft resolution A/C.3/47/L.71

65. Draft resolution A/C.3/47/L.71 was adopted without a vote.

66. Mr. GHAFOORZAI (Afghanistan) said that he wished to express the Afghan people's gratitude to Mr. Ermacora, the Special Rapporteur, who had been monitoring the situation in Afghanistan for several years with tireless devotion. For the Afghan people, Mr. Ermacora was a friend.

67. He recalled his people's long struggle to overthrow the communist regime and establish an Islamic State in Afghanistan. It was against that background that the report of the Special Rapporteur (A/47/656) should be considered. The report dealt not only with the human rights situation in his country, but also took account of the economic and political situation, and as such could be considered comprehensive.

68. He stressed that the conditions in his country were a product of 14 years of war and destruction. The country's economic and social infrastructure had broken down, as indicated in paragraph 125 of the report: people's lives were threatened by the existence of millions of land-mines, the country had practically no drinking water, and there were 5 million refugees. In addition, the human rights violations committed by the foreign occupying forces ran into hundreds and were on a scale difficult to imagine, as indicated in paragraph 138 of the Special Rapporteur's report, which referred to the discovery, as recently as 21 September 1992, of mass graves containing 2,000 bodies, apparently buried with the aid of bulldozers.

69. Given the state of the country it had inherited, it would be unreasonable to expect miracles from the newly-founded Islamic State, especially as it needed not only to ensure respect for human rights and fundamental freedoms, but also to strengthen internal security and political stability. It was regrettable that because of the security situation in the city the Special Rapporteur had been unable to visit Kabul in August; had he been able to visit

(Mr. Ghafoorzai, Afghanistan)

Kabul, he would have obtained a more realistic view of the situation in Afghanistan. In particular, the Afghan delegation was surprised at the harsh conclusions reached in paragraph 116 of the report, which were not based on adequate evidence. It hoped that the Special Rapporteur would be able to visit Kabul in January 1993, at the invitation of the Deputy Minister for Foreign Affairs of Afghanistan.

70. The Islamic State of Afghanistan was based on the rules of the Islamic Sharia, which not only provided the best protection for human rights but also guaranteed social justice. As soon as it had been established, the Islamic State of Afghanistan had pledged to respect the Charter of the United Nations and the Universal Declaration of Human Rights and to honour all other economic and social covenants to which Afghanistan had acceded. Afghanistan welcomed United Nations efforts to improve the situation of the Afghan nation and intended to cooperate with the United Nations in that task.

71. While his delegation was grateful to the Chairman and to the delegations that took a keen interest in the situation in Afghanistan - particularly the Italian delegation, which had traditionally assumed the task of presenting the draft resolution on the issue - it would nevertheless like to enter some reservations with respect to the text of the resolution just adopted by consensus. The ninth preambular paragraph referred to "the prevailing uncertainty in the country" which might "affect the situation of members of ethnic and religious minorities". That preambular paragraph was incompatible with the twelfth preambular paragraph, in which the General Assembly welcomed the fact that over one million refugees had returned to Afghanistan since April 1992. Paragraph 65 of the Special Rapporteur's report also noted that more than one million Afghans had returned home at an average rate of 40,000 a week. Moreover, notwithstanding the events of August, which had affected the security situation in Kabul and caused some members of the Hindu and Sikh minorities to leave the city, many of the people who had fled to India as a result of those events had contacted the Afghan Embassy in New Delhi in order to secure the necessary papers for their repatriation. If the situation were so uncertain, one million refugees would never have returned to their country. There had undoubtedly been some skirmishes, even in Kabul, which was understandable in view of the substantial political transformation occurring in the country.

72. The rights of religious minorities were protected by the humanitarian code under the Islamic Sharia, which contained formal provisions with respect to the protection of the life and property of a zami, that was to say, a non-Muslim. The ninth preambular paragraph therefore did not apply to the situation in Afghanistan.

73. The eleventh preambular paragraph referred to "prisoners who were associated with the former Government". Since the Government of the Islamic State of Afghanistan had granted general amnesty without discrimination, with the exception of one particular case which the United Nations was aware of and understood, there were no "prisoners who were associated with the former

Government" in Afghanistan. The Special Rapporteur would be able to verify that during his visit to Kabul in January 1993.

74. After 14 long years of destructive war and massive violations of human rights, Afghanistan had initiated a political process with the aim of restoring human rights and fundamental freedoms. A council in which hundreds of representatives from different sectors of the population were expected to participate would be held soon in Kabul to elect the future leaders of the country in accordance with the Peshawar Accord of 24 April 1992. The future Government would in turn draft the constitution and electoral law, and convene general and free elections on the basis of universal adult suffrage. Had the report taken due account of those facts, it would have provided a more realistic picture of the situation in Afghanistan.

Draft resolution A/C.3/47/L.72

75. The CHAIRMAN invited members of the Committee to consider the draft resolution entitled "Situation of human rights in the Sudan", submitted by the delegation of the Sudan.

76. Mr. RAVEN (United Kingdom) speaking on behalf of the European Community and its member States, expressed surprise at the content of draft resolution A/C.3/47/L.72, which was in fact a procedural motion designed to prevent the Committee from voting on draft resolution A/C.3/47/L.77, entitled "The situation in the Sudan". He wished to make clear the European Community's position on that issue. He was well aware that the Commission on Human Rights was carrying out confidential investigations, and that the report of the Special Representative would be submitted to the Commission in February 1993. However, the General Assembly had every right to consider the situation of human rights in the Sudan, as in any other country, without waiting for the result of confidential inquiries carried out by a body with restricted membership. Pursuant to rule 131 of the rules of procedure of the General Assembly, which the Chairman had earlier read out, he proposed that draft resolution A/C.3/47/L.77 should be considered before draft resolution A/C.3/47/L.72, which would then serve no purpose.

77. Mr. YOUSIF (Sudan) said that his delegation would oppose the proposal made by the representative of the United Kingdom. Whatever its legal guise, the proposal was both an attempt to dictate to the Committee what action it should take and a display of arrogance, as well as a way of bending the rules by undemocratic means. He protested against the undue influence that some delegations exerted over others to obtain support for their motions, and called upon the members of the Committee to ensure that exceptions to the rules did not become a habit. The representative of the United Kingdom had not provided any convincing reason for an exception to rule 131 of the rules of procedure.

78. In order to ensure that the reference to draft resolution A/C.3/47/L.77 in the preamble to draft resolution A/C.3/47/L.72 was not an obstacle to the consideration of the latter draft resolution, he suggested that the operative

(Mr. Yousif, Sudan)

part of the draft resolution submitted by his delegation should be revised to read:

> "*Decides* to postpone any action at this session on the situation of human rights in the Sudan until the Commission on Human Rights considers the issue at its next session in the light of the requested reports."

In order to eliminate all reference to draft resolution A/C.3/47/L.77, he suggested that the last preambular paragraph of draft resolution A/C.3/47/L.72 should be deleted.

79. Mr. WILLIS (Australia) said that he supported the proposal by the representative of the United Kingdom; draft resolution A/C.3/47/L.77 should be considered before draft resolution A/C.3/47/L.72.

80. The CHAIRMAN once again read out rule 131 of the rules of procedure of the General Assembly.

81. *A recorded vote was taken on the United Kingdom motion that draft resolution A/C.3/47/L.77 should be considered before draft resolution A/C.3/47/L.72*.

In favour: Albania, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Botswana, Bulgaria, Burundi, Canada, Costa Rica, Croatia, Cyprus, Czechoslovakia, Denmark, Estonia, Fiji, Finland, France, Germany, Ghana, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Mauritius, Micronesia (Federated States of), Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Saudi Arabia, Sierra Leone, Slovenia, Spain, Sweden, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: China, Cuba, Democratic People's Republic of Korea, Iran (Islamic Republic of), Iraq, Jordan, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Myanmar, Sudan, Syrian Arab Republic, Viet Nam.

Abstaining: Afghanistan, Algeria, Angola, Azerbaijan, Bahamas, Barbados, Belarus, Belize, Benin, Brazil, Cameroon, Chile, Colombia, Côte d'Ivoire, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Guatemala, Guyana, India, Indonesia, Jamaica, Kazakhstan, Lesotho, Mexico, Namibia, Nepal, Papua New Guinea, Peru, Philippines, Saint Kitts and Nevis, Singapore, Sri Lanka, Suriname, Swaziland, Thailand, Uganda, United Republic of Tanzania, Venezuela, Zambia, Zimbabwe.

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82. The United Kingdom motion was adopted by 69 votes to 13, with 42 abstentions.

83. Mr. MOTSYK (Ukraine), speaking in explanation of vote after the vote, said that he had voted in favour of the motion to reverse the order in which the two draft resolutions should be considered. He believed that the revision proposed by the Sudan in no way changed the substance of the issue, and that if draft resolution A/C.3/47/L.72 had been put to the vote first, many States would not have had an opportunity to express their views.

Draft resolution A/C.3/47/L.77

84. The CHAIRMAN invited the members of the Committee to consider the draft resolution entitled "The situation in the Sudan". Samoa and Ghana had become sponsors of the draft resolution, and a recorded vote had been requested.

85. Mr. YOUSIF (Sudan), speaking in explanation of vote before the vote on draft resolution A/C.3/47/L.77, said that his delegation would vote against the draft resolution, but would first move that the Committee should not take any action on the text. In the view of his delegation, the accusations contained in draft resolution A/C.3/47/L.77 had no basis in reality, and the draft resolution had been put forward by the United States of America as retaliation against the Sudan following the execution of a Sudanese employee of the USAID office in the Sudan. That person had carried out criminal acts which had resulted in numerous deaths in the city of Juba in June 1992. The fourth preambular paragraph referred to reports that had been submitted to the Commission on Human Rights at its forty-eighth session, but the information in the reports had not yet been verified. The resolution adopted in Dakar by the Organization of African Unity and the Addis Ababa Agreement of July 1990, referred to in the third preambular paragraph, had nothing to do with the issue raised in draft resolution A/C.3/47/L.77. The accusations that the Sudanese Government was impeding humanitarian assistance were belied by the agreement concluded between the Sudan and the United Nations, and by the fact that his Government had already authorized the United Nations to use 21 humanitarian corridors out of 27 requested to ensure passage of its assistance. The eighth preambular paragraph, which referred to the mass exodus of refugees into neighbouring countries, deliberately ignored the fact that the Sudan was giving refuge to over 1 million refugees from neighbouring countries, while Sudanese refugees in those countries, who had moved for geographical reasons, numbered only 274,000. The accusations of racial discrimination were also malicious and unfounded. Furthermore, the draft resolution magnified the scope of the conflict and the seriousness of the situation in southern Sudan. The rebels in southern Sudan had been expelled from their last stronghold in summer 1992, and his Government was trying to normalize the life of thousands of returnees.

86. He wondered what reasons other than political ones could have motivated the submission of draft resolution A/C.3/47/L.77, since the Commission on Human Rights had been seized of the situation and was investigating certain of

(*Mr. Yousif, Sudan*)

the accusations contained in the reports submitted to it. Political reasons had also been behind the European Community's decision to increase customs duties on Sudanese exports to Europe.

87. The United States representative had made accusations against his country concerning the bulldozing of houses and a planned military offensive, whereas the actions in question were part of his Government's plans for housing and the environment. His delegation would have hoped that the United States delegation and the sponsors of the draft resolution would recognize the efforts made by his Government to end the hostilities and encourage his country to carry out its economic reform plan. His delegation hoped that the international community would vote against draft resolution A/C.3/47/L.77.

88. *The CHAIRMAN* said that the representative of the Sudan had asked the Committee not to take action on draft resolution A/C.3/47/L.77. In that connection, he drew attention to the provisions of rule 116 of the rules of procedure of the General Assembly, which stated that: "During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote. The Chairman may limit the time to be allowed to speakers under this rule."

89. *Mr. RAVEN* (United Kingdom) and *Mr. WILLIS* (Australia) spoke against the motion for adjournment of the debate put forward by the representative of the Sudan.

90. *At the proposal of the the Chairman, a recorded vote was taken on the motion put forward by the Sudan*.

In favour: China, Cuba, Democratic People's Republic of Korea, Iran (Islamic Republic of), Iraq, Jordan, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Myanmar, Sudan, Syrian Arab Republic, Viet Nam.

Against: Albania, Algeria, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Benin, Bolivia, Brazil, Bulgaria, Burundi, Canada, Chile, Costa Rica, Croatia, Cyprus, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Ghana, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Marshall Islands, Mauritius, Micronesia (Federated States of), Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, Saudi Arabia, Sierra Leone, Singapore, Slovenia, Spain, Sweden, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zambia.

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Abstaining: Afghanistan, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Barbados, Belize, Botswana, Cameroon, Colombia, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Guatemala, Guyana, Honduras, India, Indonesia, Jamaica, Kazakhstan, Malaysia, Mexico, Namibia, Nigeria, Papua New Guinea, Philippines, Saint Kitts and Nevis, Sri Lanka, Suriname, Swaziland, Thailand, Uganda, United Republic of Tanzania, Venezuela, Zimbabwe.

91. The motion put forward by the Sudan was rejected by 77 votes to 12, with 36 abstentions.

92. Mr. ALI (Iraq) said that his delegation would vote against draft resolution A/C.3/47/L.77. In its opinion, the sole aim of the draft resolution was to penalize the Sudan and put pressure on it for political reasons.

93. At the request of the representative of the Sudan, a recorded vote was taken on draft resolution A/C.3/47/L.77.

In favour: Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burundi, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, Saudi Arabia, Sierra Leone, Singapore, Slovenia, Spain, Suriname, Sweden, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela, Zambia, Zimbabwe.

Against: Cuba, Iran (Islamic Republic of), Iraq, Libyan Arab Jamahiriya, Myanmar, Sudan, Syrian Arab Republic.

Abstaining: Afghanistan, Bahamas, Bangladesh, Barbados, Belize, Brunei Darussalam, Cameroon, China, Congo, Côte d'Ivoire, Guyana, Indonesia, Jamaica, Jordan, Kazakhstan, Lao People's Democratic Republic, Malaysia, Mauritania, Niger, Nigeria, Pakistan, Philippines, Saint Kitts and Nevis, Sri Lanka, Swaziland, Thailand, Viet Nam.

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94. Draft resolution A/C.3/47/L.77 was adopted by 102 votes to 7, with 27 abstentions.

95. Mr. SERGIWA (Libyan Arab Jamahiriya) said that his delegation had voted against the draft resolution because, as the Special Rapporteur had neither completed his investigation nor submitted his report, there were no clearly established facts to substantiate the charges made. His country's position did not reflect a lack of interest in human rights questions - quite the opposite.

96. Mr. MORA GODOY (Cuba) said that his delegation had voted against draft resolution A/C.3/47/L.77 because it believed that the established norms and procedures for ensuring respect for human rights had not been respected. The logical approach would have been to wait for the results of the investigation into the human rights situation in the Sudan.

97. Mr. ZHANG Yishan (China) stated for the record that his country had voted against the draft resolution, but that its vote had been recorded as an abstention. He requested that the error in recording the vote be corrected and that the correction appear in the summary record of the meeting. China supported the position of the Sudan and believed that the procedure followed by the Commission on Human Rights should be respected.

98. Mr. YOUSIF (Sudan) thanked all the delegations which had understood his country's position despite the disinformation campaign waged by the United States press; he was delighted that the Sudan had so many friends in Africa and throughout the world.

99. The CHAIRMAN said that since draft resolution A/C.3/47/L.77 had been adopted, there was no reason to consider draft resolution A/C.3/47/L.72.

The meeting rose at 6 p.m.